

ORDINANCE NO. _____, SERIES 2007

AN ORDINANCE AMENDING CHAPTER 91 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“CODE”) PERTAINING TO UNALTERED DOGS, THE WAIVER OF METRO ANIMAL SERVICE FEES DUE TO FINANCIAL HARDSHIP, AND THE QUARANTINE OF ANIMALS (AMENDED BY SUBSTITUTION).

SPONSORED BY: COUNCILMAN KELLY DOWNARD, DISTRICT 16

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (COUNCIL), AS FOLLOWS:

SECTION I. Chapter 91 of the Code is hereby amended to read as follows:

§ 91.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ABANDON* or *ABANDONMENT*.** *ABANDONMENT* consists of leaving an animal for a period in excess of 24 hours, without the animal's owner or the owners designated caretaker providing all provisions of necessity as defined in this chapter and checking on the animal's condition.

***AGRICULTURAL USE*.** A tract of at least five contiguous acres for the production of agricultural or horticultural crops, as defined in KRS 100.111.

***ALTERED ANIMAL*.** Any animal that has been spayed or neutered.

***ANIMAL*.** Any non-human living creature, domestic or wild, excluding fish, insects, and eggs.

ANIMAL CONTROL or ***ANIMAL CONTROL AND PROTECTION*** or ***DIVISION OF ANIMAL CONTROL AND PROTECTION*** or ***DIVISION***. See "Metro Animal Services".

ANIMAL CONTROL OFFICER (ACO). Persons designated by the Metro Government as the primary enforcement officers of ordinances and state and federal laws pertaining to, and regulating animals and owners of animals, and for the enforcement of sections of the Kentucky Revised Statutes pertaining to the cruelty to animals.

ANIMAL DEALER. Any person engaging in the business of buying and/or selling any animal or animals, including fish, for the purpose of resale to pet shops, research facilities, another animal dealer or to another person, including the sale of any animal from any roadside stand, booth, flea market or other temporary site. (Persons buying or selling animals fit and destined for human consumption ~~and persons involved in the occasional sale of a litter or an animal on a random basis~~ and agricultural uses as defined in this chapter are not included in this definition. Agricultural uses as defined in this chapter, are not included in this definition.) ***ANIMAL DEALERS*** are also subject to the provisions of §§ 91.090 through 91.101 and § 91.123 of this chapter.

ANIMAL-DRAWN VEHICLE. Vehicles with four or more wheels drawn by an animal.

ANIMAL SHELTER. Any premises designated and/or operated by the Metro Government for the purpose of impounding and caring for animals held under authority of this chapter.

ANIMAL WELFARE GROUP. Any organization existing for the purpose of the prevention of cruelty to animals, and providing shelter for abandoned and lost animals and are incorporated under the laws of the Commonwealth of Kentucky.

APPROVED RABIES VACCINE. Any vaccine for protecting an animal from contracting rabies approved as effective by the Kentucky Department for Human Resources and by the National Association of State Public Health Veterinarians, Inc. (NASPHV) in the most current version of the annual Compendium of Animal Rabies Prevention and Control.

ASSISTANCE DOG. A dog accompanying and providing support for a person who is deemed to be disabled under federal, state, or local law. For purposes of this chapter, the term **ASSISTANCE DOG** shall include a service dog recognized or defined under federal or state law.

AT-RISK DOG. An at-risk dog is one which either when off its owner's premises or off those on which its presence had explicitly been allowed, and unprovoked:

- (1) Menaces, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of any person;
- (2) Causes physical injury to any domestic pet or livestock while not under restraint; or
- (3) Is found not under restraint, excluding those dogs engaged in hunting activities or training therefor;~~or~~

~~——(4)—— Is an unaltered dog not licensed under this chapter.~~

ATTACK. An unprovoked attack in an aggressive manner on a human that causes a scratch, abrasion, or bruising, or on a domestic pet or livestock that causes death or injury.

BOARDING KENNEL or CATTERY. Any establishment where dogs, cats, puppies, or kittens are kept for the purpose of boarding for any part of a 24-hour period. This includes veterinary hospitals and clinics or grooming shops that advertise boarding services other than for treatment, diagnostic, or recuperative purposes, or for grooming.

BOARDING STABLE including **RIDING SCHOOL** or **STABLE.** Any facility for boarding, livery, training or riding school or any facility which maintains horses or ponies, mules, donkeys or burros for the purpose of housing, feeding, riding, training, driving or riding lessons, for a fee and/or which advertises these services by the use of a sign, billboard or by placing an advertisement in newspapers, on bulletin boards or in any other publication excluding licensed pari-mutuel facilities.

CAT. Any domestic feline four months of age or older.

CIRCUS. A traveling public entertainment show consisting of acrobats, clowns, and trained animals, but shall not include a show including wrestling bears or other direct contact between members of the public and inherently-dangerous animals.

CLASS A KENNEL OR CATTERY. Any establishment where dogs and/or puppies or cats and/or kittens are kept for the primary purpose of breeding, buying, or selling such

animals and which establishment is so constructed that the dogs, puppies, cats, and kittens cannot stray therefrom. The Class A Kennel or Cattery license shall apply to up to five dogs or cats and shall require an additional Class A Kennel or Cattery license for each increment of up to five dogs or cats.

CLASS B KENNEL OR CATTERY. Any establishment where dogs, puppies, cats, or kittens are kept for the primary purpose of showing (including but not limited to field trial competition, hunting trial competition, herding, conformation, and obedience competition) and which establishment is so constructed that the dogs, puppies, cats, and kittens cannot stray therefrom. The primary purpose shall be determined by verifying the participation of one or more of the housed animals in a sanctioned competition in the preceding 12 months. The license shall apply to up to five dogs and cats. Animals in excess of five shall be licensed individually.

CLASS C KENNEL OR CATTERY. Any establishment where dogs or puppies are kept for the primary purpose of training for guard, sentry, field, obedience, whether gratuitously or for a fee. A Class C Kennel may also offer boarding services if the boarding occurs at the same location with no additional boarding kennel license required, except that an additional boarding kennel license shall be required when the facility reaches a maximum of 25 dogs and cats.

CRUELTY. Failing to provide adequate food and water; failing to detect the need for or withholding veterinary care; creating or allowing unhealthful living conditions, infliction of suffering, injury, or death to an animal by striking, beating, dropping, kicking, dragging, choking, or by the use of an object or weapon; causing pain, injury, or

death by means of caustic, flammable, boiling, or heated substances; causing suffering, injury, or death by suffocation or drowning; failure to provide health-related grooming. For purposes of this chapter, the definition of ***CRUELTY*** shall not include the acts as described in KRS 525.130(2) and (3).

DANGEROUS DOG. Except as exempted in § 91.150(B) a dangerous dog is:

(1) Any dog, including an at-risk dog, which when unprovoked, in an aggressive manner commits a severe attack on any person or inflicts death or serious injury to any person;

(2) Any dog which maims or kills domestic pets or livestock when not under restraint;

(3) Any dog which is used in the commission of a crime as provided in the Kentucky Penal Code including, but not limited to dogfighting, threatening or menacing, or guarding the conduct of unlawful activity;

(4) Any dog which is declared by the Director to be a dangerous dog under the procedures set forth in this chapter; or

(5) Any dog owned or harbored primarily for the purpose of fighting or harming other animals, excluding any dog used for hunting or training for hunting purposes.

DIRECTOR. The Director of Louisville/ Jefferson County Metro Animal Services and/or his or her designee.

DOG. Any domestic canine four months of age or older.

DOMESTIC PETS. Any of the following animals: domestic dog, cat, rabbit, mouse, rat, reptile, guinea pig, chinchilla, hamster, gerbil, ferret.

DWELLING UNIT. Either a single room or two or more connected rooms sold or leased as a unit and intended for occupancy by one or more persons, and which at a minimum contains sleeping, toilet and bathing facilities which are accessed independently from any similar such facilities in the same building. This term includes hotel or motel rooms, extended stay lodging facilities, nursing home rooms and assisted living units.

ELEPHANT RIDE. Allowing individuals to ride on the backs of Asian elephants, as regulated under § 91.130.

ENCLOSURES.

(1) ***ENCLOSURES FOR DOGS AND PUPPIES.***

(a) Enclosures for dogs and puppies shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level or a fabricated structure that prevents the animal from digging out. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animal from opening the gate or door.

(b) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the dog or puppy which prevents the animal from

leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. Such property must be clearly marked with a sign prescribed by MAS, posted next to the driveway or entry to the property. The enclosure must contain proper shelter from the weather. This type of enclosure is not acceptable for a female in heat, for ~~unaltered dogs~~, dangerous dogs, or potentially dangerous dogs. However, a dog that is found unrestrained outside this type of enclosure twice within a one-year period shall be issued a violation notice and corollary penalty assessed by MAS. Nevertheless, in lieu of paying the penalty as set forth in the violation notice for the first offense only, the owner can elect to have his or her dog attend and satisfactorily complete an education or training course established under Section 91.060. The owner must notify MAS within 7 days of receiving the violation notice that he or she plans on having the animal undergo training, and must provide written proof to MAS within 7 days after completion of the training course that the dog successfully completed the training. Failure to attend or successfully complete the training course, including complying with the notification requirements as set forth immediately above, will result in the penalty from the violation notice being assessed. Finally, a dog found unrestrained outside an enclosure as described in this subsection (b) a third time within a one-year period shall not only subject the dog's owner to a penalty issued by MAS, but the dog shall no longer be permitted to be kept in this type of enclosure.

(2) ***ENCLOSURES FOR POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS.*** Enclosures for potentially dangerous dogs and dangerous dogs shall be an uncovered fence or structure at least six feet in height, installed beneath

ground level or in concrete or pavement, or a fabricated structure, to prevent digging under it, and with a gravel or concrete floor, sufficient in size to allow the dog to stand, sit, and turn around in a natural position, to defecate away from food and water, and which allows for an adequate exercise area for the size/breed being kept. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure. The enclosure must contain proper shelter from the weather. A “DANGEROUS DOG” sign prescribed by MAS must be posted at the entry to the property.

EXOTIC SPECIES. Any animal born or whose natural habitat is outside the continental United States excluding non-venomous reptiles and fish.

FERRET. A weasel-like, usually albino mammal (*Mustela putorius furo*) related to the polecat and often trained to hunt rats or rabbits.

KITTEN. Any domestic feline younger than four months of age.

LICENSE FACILITY. Any facility and/or business operation or person designated by the Metro Government pursuant to § 91.020 of this chapter to issue licenses required by this chapter and/or provide applications thereto.

LIVESTOCK. Cattle, sheep, swine, goats, horses, llamas, buffaloes, or any other animals of the bovine, ovine, porcine, lagomorph, caprine, or equine species, deer and elk, whose regulatory requirements are under KRS Chapters 150 and 246, as well as poultry, ratites, and cervine, that are privately owned and raised in a confined area for breeding stock, food, fiber, and other products.

METRO ANIMAL SERVICES or ***MAS***. Louisville/Jefferson County Metro Government Department of Animal Services.

METRO COUNCIL. Legislative Council of the Metro Government.

METRO GOVERNMENT. Louisville/Jefferson County Metro Government.

MICROCHIP. A passive transponder which can be implanted in an animal and which is a component of a radio frequency identification (RFID) system. Such system must be compatible with a scanner used by MAS.

MULTIPLE PET LICENSE. A license available for purchase to a party who owns, maintains, or possesses four or more altered pets that are kept for the primary purpose of companionship. This license may be purchased in lieu of required individual dog, cat, or ferret licenses.

NUISANCE.

(1) Any act of an animal or its owner that irritates, perturbs or damages rights and privileges common to the public or enjoyment of private property or indirectly injures or threatens the safety of a member of the general public. By way of examples and not of limitation, the commissions on the following acts or actions by an animal or by its owner or possessor shall hereby being declared a nuisance:

(a) Allowing or permitting an animal to habitually bark, whine, howl, mew, crow or cackle in an excessive or continual fashion or make other noise in such a manner

so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

(b) Allowing or permitting an animal to damage the property of any person other than its owner or caretaker, including but not limited to getting into or turning garbage containers or damaging gardens, flowers, plants or other real or personal property or leaving fecal material on the property of another person.

(c) Allowing or permitting an animal to molest, chase, snap at, attack or attempt to attack passers-by, vehicles, domestic pets or livestock.

(d) Allowing or permitting an animal to habitually or continually roam or be found on property of other than its owners or caretakers, trespassing school grounds, parks or the property of any person.

(e) Allowing or permitting an animal to be housed or restrained at a distance, that, in the discretion of the animal control officer, poses a threat to the general safety, health and welfare of the general public.

(f) Allowing or permitting an animal to be maintained in an unsanitary condition.

(g) Allowing or permitting an animal to habitually charge in an aggressive manner a fence separating from another property when the usual residents are taking pleasure in such property without provoking such animal.

(2) Subject to the restrictions set forth in KRS 413.072(7), an agricultural operation, as defined under KRS 413.072(3), shall be exempt from any enforcement under this chapter which arises out of a nuisance violation as defined herein.

~~**OCCASIONAL SALE.** Any sale of a single animal or a single litter of puppies, kittens or otherwise which is on a random, unsystematic basis and does not exceed the sale of one animal or one litter over a 12 month period, provided there are no more than one licensed unaltered cat or more than one permitted licensed unaltered dog on the premises.~~

OWNER. Any person owning, keeping or harboring animals in Jefferson County.

PERSON. An individual, partnership, association, company, firm, business or corporation.

PET BIRDS. Any tamed or domesticated bird kept caged or within doors.

PET SHOP. Any person engaged in the business of breeding, buying, selling at retail or as a broker of animals, including fish, of any species for profit-making purposes, except farming operations that breed, buy, or sell at retail pursuant to and in conjunction with their agricultural use shall not be considered pet shops for purposes of this chapter.

POTENTIALLY DANGEROUS DOG. Except as exempted in § 91.150(B) a potentially dangerous dog is:

(1) Any dog, including an at-risk dog, as defined herein, which, when unprovoked, in an aggressive manner bites, scratches, or bruises any person.

(2) Any unrestrained dog which, when unprovoked, bites, injures, or kills another domestic pet or livestock while that animal is restrained in compliance with this chapter.

(3) Any dog which is declared by the Director to be a potentially dangerous dog under the procedures set forth in this chapter.

POULTRY. Chickens, ducks, turkeys, or other domestic fowl.

PUPPY. Any domestic canine younger than four months of age.

QUALIFIED PERSON. Any veterinarian, or other person granted a permit by the State Secretary of Health and Family Services to vaccinate their own dogs or cats against rabies.

QUARANTINE. Humane confinement of an animal in a building in a manner which prevents the animal coming into unplanned contact with any other animal or human being.

REASONABLE HOURS. The normal business hours of any establishment or business regulated by this chapter.

RESTRAINT.

(1) For all animals except puppies and dogs, ***RESTRAINT*** shall mean on the premises of the owner or on premises which the animals presence has been explicitly allowed, or, if off the premises of the owner where permission has not been granted,

under restraint by means of a lead or leash or in a cage or carrier and under the control of a responsible person.

(2) For puppies and dogs, **RESTRAINT** shall mean on the premises of the owner or on premises which the animals' presence has been explicitly allowed, and confined in a secure enclosure, or accompanied by the owner and under his/her direct control. If off the premises of the owner where permission has not been granted, the animal must be restrained by a lead or leash and under the control of a responsible person physically able to control the dog, or except for ~~unaltered dogs~~, dangerous dogs, and potentially dangerous dogs, accompanied by a responsible person into an enclosed "off-leash" area designated by the Kentucky Department of Parks or the Metro Department of Parks and in conformance with all regulations and/or requirements imposed as a condition of utilizing such "off-leash" area by such Departments of Parks, or their designees.

(3) In addition to the requirements of subsection (2), above, under this definition, **RESTRAINT** for ~~unaltered dogs~~, dangerous dogs, and potentially dangerous dogs shall mean as follows:

(a) That dangerous dogs and potentially dangerous dogs are at all times securely muzzled when off the premises of the owner. The muzzle shall be made in such a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or other animal;

(b) That owners of ~~unaltered dogs~~, dangerous dogs, and potentially dangerous dogs shall not allow the dog to be outside an enclosure as defined in this chapter unless

the dog is confined to a secure cage, or is chained, leashed, and is under the control of a person physically able to restrain the dog.

(c) That a lead or leash ~~for an unaltered dog~~ for a potentially dangerous or dangerous dog shall not exceed four ~~six~~ feet in length.

(4) Other standards and requirements for restraining dogs shall be as set forth in § 91.091.

(5) All livestock weighing more than 40 pounds, except horses, stallions, colts, geldings, mares, fillies, ponies, miniature horses, mules, jacks, jennies, goats, kids and sheep, must be kept on tracts or lots of at least .5 acres or more.

(6) Horses, stallions, colts, geldings, mares, fillies, mules, jacks and jennies must be kept on an individual tract, lot, or parcel (as defined in the Land Development Code) of at least one acre or more; except that the properties and facilities of Louisville Zoo, the Louisville/Jefferson County Metro Police Department, Churchill Downs, and the Kentucky Derby Museum shall be exempt from this requirement.

(7) All livestock other than poultry as set forth in subsection (8), below shall be confined by a fence in good repair sufficient to prevent the animal(s) from leaving the owner's property. Livestock found not restrained by a fence in good repair and which present a threat to public safety may be removed and the owner charged with a violation of this section.

(8) All crowing and non-crowing poultry must be kept on tracts or lots of at least .5 acres or more, unless a tract or lot is on less than .5 acres and only houses five or less non-crowing poultry, and no more than one crowing poultry in accordance with the remainder of this subsection. All crowing and non-crowing poultry shall be kept in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the owner's property. The fence or structure must be in good repair. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch. Poultry associated with an agricultural use shall not be subject to the restraint requirement as set forth herein.

(9) For purposes of this chapter, the term "lawful hunting activities" contained in KRS 258.265(3) shall be deemed to include the training of hunting dogs, including field trials.

SECRETARY. The Secretary of the Louisville/Jefferson County Metro Government Cabinet for Public Works and Services.

SEVERE ATTACK. An unprovoked attack in an aggressive manner upon a human in which the victim suffered a bite(s) or was shaken violently, and which caused serious physical trauma or death.

THEATRICAL EXHIBITION. Any exhibition or act featuring performing animals. The inclusion of any prohibited wild animal, as defined in this chapter, shall not be allowed without the express written permission of the Director, which shall be notated on the issued permit. Such permission shall be given only if it is demonstrated to his/her

satisfaction that the animal(s) will not constitute a threat to public health or safety.

THEATRICAL EXHIBITIONS shall not include resident or non-resident dog and cat shows which are sponsored and/or sanctioned by the American Kennel Club, the United States Kennel Club, the Cat Fanciers Association, American Cat Fanciers Association or any affiliate thereof, nor shall it include any primary horse show.

UNALTERED DOG, CAT OR FERRET. Any dog, cat or ferret which has been neither spayed nor neutered.

UNFIT FOR PURCHASE OR ADOPTION. Any disease, deformity, injury, physical condition, illness or any defect which is congenital or hereditary and which would adversely affect the health of the animal, or which was manifest, capable of diagnosis or likely to have been contracted on or before the sale and delivery of the animal. For purposes of this chapter, veterinary findings of internal and external parasites shall not be grounds for declaring the animal unfit for purchase unless the animal is clinically ill due to such condition. An animal shall not be found unfit for purchase on account of injury sustained or illness contracted subsequent to the consumer's taking possession thereof.

VACCINATIONS. The injection by a veterinarian or other qualified person of rabies vaccine approved by and administered in accordance with the regulations of the Secretary of the Cabinet for Health and Family Services.

VETERINARIAN. A licensed practitioner of veterinary medicine, accredited by the Kentucky Board of Veterinary Examiners.

VETERINARY HOSPITAL OR CLINIC. Any establishment maintained and operated by a licensed veterinarian on the premises for the diagnosis and treatment of diseases and injury to animals and/or for the hospitalization of animals for diagnostic or recuperative purposes.

WILD ANIMAL. Shall include the following:

(1) Any animal that generally is not domesticated and living among humans, nor those defined as domestic pets herein; and

(2) Any animal classified by the Kentucky Department of Fish and Wildlife in its statutes or regulations as either:

(a) Inherently dangerous wildlife;

(b) Exotic wildlife; or

(c) Wildlife whose importation or possession is prohibited by any federal or state law or regulation; and

(3) A hybrid of any animal herein classified as a ***WILD ANIMAL***.

ZOOLOGICAL GARDEN. Any park or zoo operated by a person or private corporation, but excluding any governmental agency or foundation.

§ 91.002 RESTRAINT REQUIRED.

All animals shall be kept under restraint at all times, as defined in this chapter, except as otherwise provided herein, and any deviation or violation thereof is strictly prohibited.

§ 91.003 CONFINEMENT OF ANIMAL IN HEAT.

Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for a planned breeding.

§ 91.004 OWNER TO CONTROL ANIMALS; NUISANCES PROHIBITED.

No owner shall fail to exercise proper care and control of his or her animals so as to prevent the animal from constituting a nuisance as defined in this chapter.

§ 91.005 EXHIBITION OF WILD OR VICIOUS ANIMALS.

No person or private corporation shall keep, or permit to be kept, on their premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This chapter shall not be construed so as to apply to a zoological garden, theatrical exhibition, or circus, as defined in § 91.001 of this chapter.

§ 91.006 NON-APPLICABILITY.

(A) Sections 91.001 through 91.142 requiring a license ~~or permit~~ shall not apply to non-residents of Jefferson County who are keeping or harboring only domestic pets, provided that animals of such owners shall not be kept in Jefferson County longer than 30

days and that the animals shall be kept under restraint. No non-resident shall, however, keep any dog, cat, or ferret in Jefferson County over the age of four months that has not been vaccinated against rabies with an approved rabies vaccine.

(B) Nothing in this chapter shall be construed so as to be inconsistent with KRS 258.215 or 258.265, or to otherwise affect hunting, canine competitions, the handling of game, or any lawful activity.

(C) Pursuant to the provisions of KRS 247.160, all property under the ownership or control of the State Fair Board shall be exempt from the application of this chapter.

§ 91.007 INTERFERENCE WITH ENFORCEMENT PROHIBITED.

(A) No person shall in any manner interfere with, hinder, molest, or abuse any officer or individual authorized to enforce the provisions of this chapter or any state or federal law pertaining to or regulating animals.

(B) No person shall release or attempt to release an animal from an MAS facility or a humane trap which belongs to MAS.

§ 91.008 PROHIBITION ON OWNERSHIP OF WILD ANIMALS.

(A) The keeping or holding of wild animals that are inherently dangerous wildlife, exotic wildlife, endangered species, or wildlife whose importation or possession is prohibited by any federal or state law or regulation is prohibited, and declared to be unlawful. This section shall not apply to the following:

(1) Any zoological garden accredited by the American Association of Zoological Parks and Aquariums;

(2) Licensed circuses and theatrical exhibits;

(3) Authorized wildlife rehabilitators with any required state-issued permit;

(4) Licensed veterinary hospitals for the purpose of treating injured animals;

(5) Federally-licensed research institutions.

(B) (1) Those parties legally-possessing wild animals under a state-issued permit, which would have been legal before the effective date of this chapter may continue to possess such animals until the expiration date of the original permit. Such permits may not be renewed or transferred to any other individual or entity, and will subject the new owner to the prohibitions set forth herein.

(2) Any party legally owning an animal under this section shall register such animal with MAS within 30 days of the effective date of this chapter.

(C) Keeping of wild animals not prohibited by this chapter shall be in accordance with standards set forth in the Kentucky Department of Fish and Wildlife regulations. Additionally, the owners/keepers of such wild animals shall register ownership with MAS, within 30 days of obtaining such animal.

§ 91.009 FEE SCHEDULE.

(A) *Effective dates.* The fee schedule set forth in this section shall be effective on the effective date of the ordinance amending and re-enacting this chapter. The fee schedule, in whole or in part, may be amended by the Director with the approval of the Metro Council. Any new or revised fees will become effective on the first day of the month following the month in which an amended fee schedule is approved by the Metro Council.

(B) *Exemption.* No license or permit shall be required for Metro Animal Services facilities and its satellites, any activity conducted at, or by, Churchill Downs, any veterinary hospital which does not advertise boarding services, university-operated medical research facility, or the Louisville Zoo.

(C) *Animal Services Building Fund and Animal Care Fund.* Louisville Metro Department of Finance shall establish a separate building fund to be known as the "Animal Services Building Fund" for the future building needs of Metro Animal Services (MAS) Department and an Animal Care Fund to provide for pet sterilizations. The Department of Finance shall create separate accounts for said funds. Twenty percent of all fees collected by MAS shall be deposited into the account for the Building Fund, and 5% of all such fees so collected shall be deposited into the account for the Animal Care Fund. Any donations or bequests received from the public for the future building or animal-care needs of MAS shall also be deposited in this account. This fund, if not already effective, shall become effective the first day of the month following the adoption of this chapter. The amount of said fees contributed to the fund shall remain in effect until amended by the Metro Council.

(D) *Fee schedule.* Metro Animal Services fee schedule shall be as set forth in Appendix A to this chapter.

(E) *Fee increases.* All fees established in Appendix A shall be reviewed at least every two years, at which time, they may be increased, based upon a comparison with the most recently-published Consumer Price Index. Such fee increases shall be instituted only when the amount equals or exceeds \$.25, and in increments of \$.25. If costs require greater rate increases, these may be implemented upon Metro Council approval.

(F) *Exempt.* Assistance dogs shall be exempt from license fees under this section.

(G) Waiver and/or Reduction in Fees. Pursuant to regulations promulgated by the Director, MAS may waive or reduce any of the fees for services that are set forth in Appendix A due to financial hardship or on the basis of income level, as the case may be, or if

(1) the violator(s) attend and satisfactorily complete an education or training course established under Section 91.060; and/or

(2) the dog or cat is spayed or neutered, at the expense of the owner, as prescribed by the Director of Metro Animal Services.

§ 91.010 SANITARY DISPOSAL OF ANIMAL FECES REQUIRED.

(A) It shall be unlawful for any owner or person in charge of a dog, cat, ferret, or other four-footed mammal, poultry or other fowl to permit such animal to be on school grounds, metro parks or other public property, or on any private property other than that

of the owner or person in charge or control of such animal without the permission of the owner of said property, or on any streets, sidewalks, highways, or rights-of-way of the Metro Government other than duly designated bridle paths, unless the owner or person in charge of such animals:

(1) Has, in his or her possession, a suitable device for the picking up, collection and proper sanitary disposal of the animal feces or manure.

(2) Immediately removes all feces deposited by such animal(s) and disposes of same in a sanitary manner.

(B) This section shall not apply to blind or visually impaired and/or disabled persons accompanied by an assistance dog.

LICENSES,~~PERMITS~~ AND VACCINATIONS

§ 91.020 DOG, CAT, AND FERRET LICENSES.

(A) Effective upon passage of this chapter and from that day forward, every owner of an animal who resides or whose animal resides in Jefferson County and who is regulated by this chapter shall apply to MAS or a license facility designated by the Mayor, for any appropriate license required by this chapter. Individual dog, cat, and ferret licenses shall be issued in conjunction with a valid rabies vaccination certificate and shall be valid for the term of the vaccination. License tags and rabies vaccination tags shall be required for each dog or cat four months of age or older. License and vaccination tags shall be firmly attached to a harness or collar worn by the animal.

(B) Animals kept temporarily (not in excess of 30 days unless granted an extension by MAS) for the purpose of breeding or showing shall not require an individual dog or cat license provided the owner has proof of a current rabies vaccination. ~~This section shall not apply to unaltered dogs which are brought into Jefferson County for the purpose of showing at recognized dog show or exhibition, while on the premises of such a show or exhibition.~~

(C) The cost of an individual unaltered dog, cat, or ferret license ~~or permit~~ registered before the effective date of this chapter shall be as provided in § 91.009. In addition to the individual unaltered dog, cat, or ferret license, the owner shall also be issued a spay/neuter rebate certificate worth a prescribed amount towards the cost of a spay or neuter surgery at participating veterinarians. That prescribed amount shall be as provided in § 91.009.

~~(D) Owners of altered dogs shall file with any application for a permit under this section an appropriate certificate from a veterinarian certifying that the dog has been spayed or neutered. Otherwise, the dog must be licensed under § 91.021. The Director may require that animal to be examined by MAS or its designee.~~

(E) Pursuant to KRS 258.095, the Metro Government hereby designates as license facilities those hospitals or clinics of veterinary medicine located within Jefferson County which agree to abide by the procedures established for the issuance of licenses by MAS. For each individual dog, cat, or ferret license issued, the license facility shall withhold and retain the amount of \$1 from the license fee collected. This provision shall become effective the first day of the month following the adoption of this chapter and the amount

of the fee paid the licenses facility shall remain in effect until amended by the Metro Council.

(F) All offices or clinics of veterinary medicine shall notify clients of the legal licensing and permit requirements that are set forth in this chapter.

~~§ 91.021 REGISTRATION AND SPECIAL PERMITS FOR UNALTERED DOGS.~~

~~—(A) From and after the effective date of this chapter, no person shall own or possess, or buy, sell, or trade, or otherwise transfer ownership or possession of an unaltered dog which has not been spayed or neutered, or which has not been registered and obtained a permit pursuant to this section.~~

~~—(B) The owner, or any person in possession of every unaltered dog born or brought into Jefferson County shall register that dog with MAS on a form provided by MAS. No unaltered dog shall be issued a permit pursuant to subsection (A) until that dog has been properly registered with MAS. As a condition of initial registration, as well as each annual permit renewal, MAS shall require the owner of the unaltered dog to furnish the following:~~

~~——(1) The name and address of the owner; or person in possession;~~

~~——(2) The location(s) where the unaltered dog will be kenneled or housed; and~~

~~——(3)—— A certificate from a veterinarian, or other documentation satisfactory to the Director, that the unaltered dog has had a microchip inserted, which microchip shall meet the standards for microchips approved by the Director.~~

~~——(C)—— Registration required under this section shall be renewed annually, either electronically or by mail, as the Director shall provide by regulation. All requirements for initial registration shall also apply to annual renewals.~~

~~——(D)—— The registered location(s) of any unaltered dog shall not be changed for any period in excess of three days without notification to MAS. The Director shall provide by regulation the means of notification. The owner or person in possession of any unaltered dog which is stolen, or which escapes from or strays from its enclosure, shall immediately upon such occurrence notify MAS.~~

~~(E)—— The owner or person in possession of any unaltered dog shall not be without immediate notification to MAS. The Director shall provide by regulation the means of notification.~~

~~(F)—— MAS shall charge a fee as set forth in § 91.009 for the annual registration and permitting of unaltered dogs.~~

~~——(G)—— Law enforcement agencies and officers and Class A and Class B kennels shall be exempt from the registration and licensing requirements of this section.~~

~~——(H)—— Owners of unaltered dogs shall have 90 days from the effective date of this chapter to comply with this section.~~

§ 91.022 UNALTERED DOGS TO BE ENCLOSED OR UNDER RESTRAINT.

(A) Unaltered dogs shall at all times be kept and maintained:

(1) In a proper enclosure as defined in this chapter; and as approved by the Director in writing; or

(2) Under restraint as defined in this chapter.

(B) Law enforcement agencies and officers and Class A and Class B kennels shall be exempt from the requirements of this section.

§ 91.023 OTHER REQUIRED LICENSES AND PERMITS.

(A) Licenses or permits shall be required in the following categories, in addition to those set forth elsewhere in this chapter. Each separate location must be licensed separately, inspected and meet the requirements of this chapter prior to the license or permit being issued.

(B) License or permits in these categories shall be effective each July 1 and be valid for one year:

(1) Class A kennel or cattery.

(2) Class B kennel or cattery.

(3) Class C kennel.

(4) Pet shop.

(5) Livery, riding, or boarding stable, except for activities conducted at, or by, Churchill Downs.

(6) Animal welfare group shelter.

(7) Animal-drawn vehicles (one license per company).

(8) Theatrical exhibition.

(9) Wildlife permit.

(10) Animal dealer.

(11) Circus.

(12) Boarding kennel or cattery.

(13) Swine permit.

~~(14) Unaltered dog permit.~~

(15) Dangerous dog.

(16) Potentially dangerous dog.

However, the licenses required in subsections (B)(14), (B)(15), and (B)(16), above, shall be in lieu of the dog license required by § 91.020, and the fee for any valid license

previously issued under § 91.020 shall be credited against those required for dangerous or potentially dangerous dogs at the time of the subsequent license issuance.

(C) The application for or the grant of a license set forth under subsections (A) and (B), above, except for dogs licensed under subsections (B)(14), (B)(15), and (B)(16), is deemed to permit periodic inspections of the public areas of any such licensed entity during such entity's business hours for the purpose of verifying compliance with the terms and conditions of this chapter. This section, and all other provisions in this chapter authorizing such inspections, shall be reasonably construed and applied by MAS personnel.

§ 91.024 LICENSE RENEWAL; REVOCATION; APPEALS.

(A) *Renewal.* All licenses required under § 91.023 shall be renewed on or before July 1 of each year.

(B) *Revocation.*

(1) The Director may revoke or deny any license issued hereunder.

(2) Grounds for such revocation or denial include, but are not limited to, conviction pursuant to any violation of this chapter or conviction pursuant to any related state or federal law.

(3) License revocation or denial notices shall be in writing and shall state the grounds therefor.

(C) *Appeals.*

(1) Any person who receives such license revocation or denial notice issued pursuant to this chapter may appeal such notice to the Secretary within ten days following the receipt of such notice unless such period is extended by the Secretary.

(2) Any appeal from such notice shall be in writing, shall state the grounds therefor and shall be signed by the person bringing the appeal or their authorized representative.

(3) Failure to file a timely appeal to a license revocation or denial notice shall result in license revocation or denial.

(4) If requested by the appellant, a hearing shall be held on the issues raised by the appeal.

(5) The hearing shall be held within a reasonable period of time before the Secretary or his/her designee. The decision of the Secretary shall be final for all purposes of this chapter, but may be appealed to the court of appropriate jurisdiction.

§ 91.025 VACCINATIONS; FIXATION OF TAGS.

(A) Every owner of a dog, cat, or ferret four months of age or older shall have it vaccinated against rabies. Any owner of a dog, cat or ferret reaching four months of age shall have such animal vaccinated by the tenth business day after the date the animal attained this age. Every owner of a puppy, kitten or ferret that is between three and four months old may have such animal vaccinated against rabies. Such vaccination shall be in

accordance with the vaccination requirements prescribed by the National Association of State Public Health Veterinarians, Inc. (NASPHV) in the most current version of the annual "Compendium of Animal Rabies Prevention and Control." Vaccinations shall be performed by a veterinarian or qualified person.

(B) The veterinarian or qualified person administering the vaccination shall issue to the dog, cat, or ferret owner a vaccination certificate on a form prescribed by the Kentucky State Department of Public Health. The vaccination certificate shall be prepared and issued in triplicate. One copy shall be forwarded by the veterinarian or qualified person to the Louisville/Jefferson County Board of Health, or its designee, no later than seven days after the end of the preceding month, one copy shall be given to the owner of the dog, cat, or ferret, and one copy shall be retained by the veterinarian or qualified person. Each vaccination certificate shall bear the name and address of the issuing party and a serial number and a brief description of the animal vaccinated. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the name of the person issuing it.

(C) Any animal that has not been vaccinated by a veterinarian against rabies which is sold, traded or otherwise removed from a kennel or cattery must be re-vaccinated against rabies by a veterinarian ~~or qualified person~~, and must be ~~re-~~ properly licensed by MAS.

(D) When a rabies voucher is purchased from MAS at the time of license application, the person purchasing such voucher shall, within seven business days, take the dog, cat, or ferret to a veterinarian who will vaccinate the animal, issue a regular

vaccination certificate in the manner prescribed herein, and return the voucher to the animal shelter. The animal shelter will present the voucher to the Metro Government from which payment will be made to the veterinarian performing the vaccination. A veterinarian or other qualified person who purchases a dog, cat, or ferret does not have to purchase a rabies voucher from MAS, but must show his or her permit number.

(E) The rabies tag described herein and furnished by the veterinarian or other qualified person for dogs, cats, or ferrets shall be affixed by the owner to a collar or harness or affixed to an enclosure or cage furnished by him or her, and shall be worn by the animal for which the certificate was issued whenever off the premises of the owner, unless receiving medical treatment, or participating in a recognized dog or cat show, or a hunting or field trial.

(F) Whenever an animal is not wearing its rabies vaccination tag, as allowed in subsection (E), the owner/handler shall retain the rabies tag and shall produce the same whenever called upon to verify that the animal in question had the required vaccination. The certificate of vaccination may be produced if the tag has been lost.

(G) Every owner of a dog, cat, or ferret shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between revaccinations shall conform to manufacturer's written instructions (currently every 12 months for annual vaccines, or 36 months for triennial vaccines), and requirements prescribed by the NASPHV in the current version of the annual "Compendium of Animal Rabies Prevention and Control."

(H) A dog, cat, or ferret owner who is visiting Louisville Metro for less than 30 days shall have proof of current vaccination for any such animal; a dog shall have its rabies tag attached to its collar or harness, in accordance with KRS 258.035, except during a recognized show or exhibition.

§ 91.026 SALE OF RABIES VACCINE.

It shall be unlawful for any person to sell, give away, permit to be sold or given away any rabies vaccine live or killed to anyone but a veterinarian or other qualified person.

§ 91.027 CERTAIN SALES OF ANIMALS PROHIBITED.

(A) It shall be unlawful for any person required to be licensed under §§ 91.020 and 91.023, but who has not obtained such a license or permit, to sell, offer to sell, or to advertise the sale of an animal. Any electronic or print offer to sell, including a paid advertisement, shall include the license number of the licensed person making the offer.

(B) It shall be unlawful for any person to sell, offer to sell, or to advertise the sale of an animal which is required to be licensed and vaccinated under §§ 91.020, 91.023, and 91.025, but which has not been licensed or permitted and vaccinated. Any electronic or print offer to sell, including a paid advertisement, shall include the license number of the animal offered for sale.

(C) It shall be unlawful for any person to purchase an animal which has been offered for sale, or sold, in violation of this section.

(D) It shall be unlawful for any person to sell, offer to sell, or to advertise the sale of an animal, or for any person to purchase a dog which has been classified by the Director as a dangerous dog or a potentially dangerous dog without the written permission of the Director.

(E) In addition to a citation issued to the owner, any animal sold or offered for sale in violation of this section may be impounded by MAS. The animal shall be released to the owner(s) only upon the obtaining of all required licenses or vaccinations, and the payment of all other redemption fees and costs provided under § 91.071.

(F) The requirements of this section shall not apply to animals sold, offered for sale, or advertised for sale by, or in connection with, any activity conducted by the Louisville Zoo, or Churchill Downs.

§ 91.028 LIABILITY FOR PERSONAL INJURY OR DAMAGES.

(A) Any person owning, controlling, or having care or custody of any animal shall be liable for any personal injury caused by such animal, and for any damage caused by such animal to public or private property.

(B) Any person owning, controlling, or having care or custody of any animal shall take such reasonable and necessary precautions as required to protect all persons from physical harm from such animal, and to protect the private property of any other person.

LIMITATION ON DOGS IN RESIDENTIAL AREAS

§ 91.040 NUMBER OF DOGS ON RESIDENTIALLY USED PROPERTY.

(A) No more than three dogs, excluding puppies, may be quartered outdoors on an individual tract, lot or parcel, or dwelling unit, (as defined in the Land Development Code), which is .5 acres or less and has on such property any building or structure containing a residential use.

(B) No more than seven dogs, excluding puppies, may be quartered outdoors on an individual tract, lot or parcel, or dwelling unit, (as defined in the Land Development Code), which is more than .5 acres but less than two acres and has on such property any building or structure containing a residential use.

(C) This section shall not apply to an individual tract, lot or parcel (as defined in the Land Development Code), which has on such property a building or structure containing a residential use, if such location has a current Class A, Class B, or Class C kennel license and continues to maintain such license, as provided by § 91.023.

AMNESTY

§ 91.050 DIRECTOR MAY DECLARE AMNESTY.

(A) The Director, with the approval of the Secretary, may suspend the civil and criminal penalties under §§ 91.020 and 91.023 of this chapter for a period not to exceed 90 days in any one calendar year upon condition that owners comply with the

requirements of those sections during the amnesty period. At the expiration of a declared amnesty period, all civil and criminal penalties under this chapter shall be fully in effect.

(B) The Director, with the approval of the Secretary, may suspend all or any parts of license fees payable under §§ 91.020 and 91.023 of this chapter for a period not to exceed 90 days in any one calendar year, upon condition that owners comply with the requirements of those sections during the amnesty period. At the expiration of a declared amnesty period, all fees payable under this chapter shall be fully in effect.

(C) A declared amnesty shall not apply to any provision of this chapter other than §§ 91.020 and 91.023.

EDUCATION, TRAINING, AND SOCIALIZATION PROGRAMS

§ 91.060 PUBLIC FUNDS AUTHORIZED FOR EDUCATION, TRAINING, AND SOCIALIZATION PROGRAMS.

(A) The Council finds it to be in the public interest, and the Director is hereby authorized to enter into joint agreements with animal control and animal welfare organizations for the purpose of planning, promoting, and conducting education and training programs for the purpose of:

(1) Educating the public as to responsible and lawful animal ownership and management; and

(2) Raising the level of compliance with the provisions of this chapter.

(B) The Director is authorized to expend public funds for this purpose, provided that all such expenditures shall be made in accordance with all metro ordinances, policies, and procedures relating to contracts and expenditures.

(C) The Director may, in his/her discretion, apply to District Court, or to the Code Enforcement Board, to reduce or abate any fine or civil penalty which could otherwise be imposed under § 91.999 upon condition(s) that:

~~——(1)——The violator(s) attend and satisfactorily complete an education or training course established under this section; and/or~~

~~——(2)——That the dog will be spayed or neutered, at the expense of the owner, as prescribed by the Director of Metro Animal Services.~~

IMPOUNDMENT

§ 91.070 IMPOUNDMENT AUTHORIZED; EUTHANASIA OF UNCLAIMED ANIMALS.

(A) Unrestrained animals shall be taken by the Animal Control Officer, peace officer, or may be turned in by any citizen, impounded in the animal shelter and there confined in a humane manner. However, if after a reasonable effort the seizure of any such unrestrained animal cannot be made or should the animal present a hazard to public safety or property or have an injury or physical condition which causes the animal to

suffer, the Animal Control Officer or peace officer may immediately destroy the animal by the most reasonable and humane means then available.

(B) Impounded dogs, cats, or ferrets shall be kept for not less than five days (or any state-mandated holding period), unless reclaimed by their owners. All other domestic pets or owned wildlife shall be held for not less than three days unless reclaimed by their owner. If the owner can be identified by means of a license tag or otherwise, the impounding agency shall immediately notify the owner by the most expedient means available of the impoundment of the animal. Animals not reclaimed by their owners within the established time periods and those not placed in suitable new homes after such time, may be humanely euthanized by MAS. However, if an impounded animal has an injury or physical condition which causes the animal to suffer, MAS may immediately humanely euthanize the animal.

(C) ~~Any unaltered dog and a~~Any dog which has been declared to be a dangerous dog, or a potentially dangerous dog by the Director and whose owner has not complied with all of the requirements of this chapter for owning or maintaining such a dog, shall be impounded.

(D) Any animal deliberately used to facilitate an act that is illegal under federal, state, or metro law shall be impounded.

(E) Any animal impounded under subsections (C) and/or (D) shall not be released, except upon terms and conditions imposed by the Director that are in the interest of public safety and welfare.

(F) A licensed or registered animal which is found by an ACO loose and not under restraint but wearing its required tags which, and which does not otherwise meet any of the other definitions of an at-risk dog, may be returned to its owner by the ACO with a warning that the animal is in violation, that must be confined or restrained in accordance with this chapter, and that a further violation may result in impoundment, a citation, or a fine or civil penalty.

(G) A licensed or registered animal which is found for the second time by an ACO loose and not under restraint, but wearing its required tags, shall be impounded and the owner cited under the provisions of this chapter.

(H) An unlicensed animal whose owner has previously been notified or cited by MAS for failing to license such animal may be impounded if the animal is found to be unlicensed a second time by MAS.

§ 91.071 RECLAIMING IMPOUNDED ANIMAL.

(A) Every owner reclaiming an impounded animal which is subject to the terms of this chapter shall pay all redemption fees. Said fees shall be paid to MAS.

(B) Any dog or cat which is impounded under this chapter shall not be reclaimed unless the animal has a microchip inserted either by MAS or by a veterinarian in accordance with standards and specifications promulgated by the Director. If a microchip is inserted by the MAS the owner shall pay all fees specified under § 91.009, and all penalties and fines under § 91.999, of this chapter.

(C) Proof of vaccination against rabies and distemper, hepatitis, parainfluenza, parvovirus (DHPP) for dogs or against rabies and rhinotracheitis, calici, panleukopenia (FVRCP) for cats, or sufficient antibody titers for these diseases and an annual parasitic examination for internal parasites in the past 12 months, and a current license shall be required before any dog or cat is released. If no proof of vaccinations, parasite exam, or current license is shown, a rabies vaccination and/or parasite exam voucher(s) and/or license must be purchased before the animal is released. All vaccination/parasite exams must be administered to the animal within the prescribed time printed on the voucher(s). The administration of vaccinations may be deferred by the veterinarian at his or her discretion based upon his or her assessment of need or the health of the animal.

(D) Any unaltered dog or cat which is not licensed ~~or permitted~~ as required under this chapter, and which is impounded for any reason after the effective date of this chapter shall not be reclaimed by an owner unless the dog or cat is spayed or neutered by or at the direction of MAS. A dog or cat shall not be spayed or neutered pursuant to this subsection (D) if a veterinarian licensed by the Commonwealth of Kentucky sets forth in writing that such dog may not be spayed or neutered due to medical reasons. Nothing in this section shall preclude a determination pursuant to § 91.150 that a dog is a potentially dangerous dog or dangerous dog.

(E) Dogs and cats impounded for violation of the restraint requirements which are wearing a valid dog license or Metro Government cat license ~~and which have been spayed or neutered~~ may be redeemed for one-half the redemption and daily board fees.

This does not include animals impounded for humane treatment, ~~an unaltered dog,~~ a potentially dangerous dog, ~~or~~ a dangerous dog or by quarantine.

(F) Any owner or person responsible for any animal(s) impounded under this chapter and charged with a violation thereof, upon conviction, shall pay, in addition to the regular redemption and board fees, all veterinary fees and any associated charges incidental to maintaining the animal(s) up to the date of conviction. These fees shall be payable even if the animal(s) is not redeemed or if custody is awarded to the Metro Government.

(G) Any owner or person responsible for any animal(s) impounded under this chapter and charged with a violation thereof shall, upon a second conviction within a five-year period, be prohibited from owning, maintaining, or keeping any animal for a period of two years from the date of the second conviction.

(H) The Director may, prior to release of an impounded animal, require that:

~~——(1)——~~ ~~The animal's owner attend and satisfactorily complete an education or training course established under this section; and/or~~

~~——(2)——~~ ~~That the dog will be spayed or neutered, at the expense of the owner, as prescribed by the Director of Metro Animal Services.~~

§ 91.072 QUARANTINE OF ANIMALS.

(A) Any ~~animal (excluding wildlife)~~ dog, cat or ferret which has bitten or scratched a human being shall be quarantined for ten days from the time the bite or

scratch occurs. Any owner who fails to properly quarantine his/her animal is subject to citation for violation of this section, and the animal shall be impounded by MAS for the remainder of its quarantine period. The owner shall be responsible for all fees during the quarantine period and any stay at MAS facilities in connection with a quarantine.

(B) An animal whose owner is unavailable or incapable of quarantining the animal, shall be impounded by the MAS and quarantined at MAS facilities for the prescribed period.

(C) Any animal quarantined at any location which does not have a microchip implanted, shall have a microchip implanted by MAS at the expense of the animal's owner.

(D) Any horse on the facility or property owned, leased or otherwise operated by a person or entity licensed and regulated by the Kentucky Horse Racing Authority under KRS Chapter 230, which has been approved pursuant to KRS 230.300 as part of the licensed person's or entity's place, track or enclosure for conducting horse race meetings, or which has been approved pursuant to KRS 230.380 to simulcast horse racing and conduct pari-mutuel wagering shall be exempt from this section, but shall instead be regulated by KRS 258.065 and KRS 258.085.

(E) All animals, other than dogs, cats, or ferrets, shall be regulated in accordance with KRS 258.085.

§ 91.073 ISSUANCE OF CITATIONS; VIOLATION NOTICES.

(A) In addition to, or in lieu of impounding an animal for any violation of this chapter, any Animal Control Officer, peace officer may issue a citation to the owner of such animal specifying the section or sections of this chapter so violated and identifying the specific nature of the violation. Such citation shall impose upon the owner the obligation of appearance to answer the charges specified in the citation in the Jefferson County District Court at the time and place indicated on the citation.

(B) Where violations of this chapter are observed, any Animal Control Officer or peace officer may issue a violation notice in lieu of a uniform citation. The violation notice will stipulate a compliance date and associated fee and late fee, as well as a waiver provision providing that the person to whom the violation notice is issued waives all rights to protest such violation and waives all rights to a hearing on the issues relating to that violation. All associated fees and late fees shall be paid to MAS. Failure to pay associated fees and/or late fees and failure to waive rights by the compliance date may result in the issuance of a uniform citation.

(C) Where an Animal Control Officer observes a violation of the humane treatment provisions of this chapter which pertain to veterinary care or grooming or license or vaccination requirements on newly acquired animals, the officer may issue a warning citation in lieu of a uniform citation, stipulating a time by which veterinary treatment, grooming, vaccination, or licensing must be administered. If the owner does not comply with the terms of the warning citation by the specified time, a uniform citation may be issued.

(D) Where an Animal Control Officer observes a dog being kept on a chain or tether, in potential violation of the restraint definition in this chapter, the officer may notify the owner of the violation in person or by means of a notice placed at the entry to the property. If the owner does not correct the situation or notify MAS within one hour of the placement of such notice that the dog has been removed from the chain or tether, the dog may be removed and the owner issued a ~~control~~ violation notice or uniform citation for violation of the restraint requirement.

(E) Any owner of a dog or cat who is cited and convicted in a court of law or pleads guilty in a court of law to a restraint violation of this chapter on two occasions within a 12-month period or whose animal is impounded twice within a 12-month period for a restraint violation of this chapter, or a combination of two separate incidents of citation and impoundment within a 12-month period, shall have the animal spayed or neutered within seven days of the conviction or plea. Verification from the veterinarian performing the surgery shall be provided to MAS in writing within seven days of the surgery.

(F) Where an Animal Control Officer or any other peace officer has not witnessed a violation of this chapter, and upon the request of a complainant who has witnessed a violation, the officer shall take a sworn written statement from the complainant as to the circumstances of the violation, and shall file the complaint with the District Court in accordance with the rules and procedures of that court.

(G) The Director shall work with the County Attorney and the Commonwealth's Attorney to facilitate joint prosecutions in the Circuit Court pursuant to KRS 24A.110 in

cases involving death or serious injury arising from concurrent violations of both this chapter and the Kentucky Penal Code.

(H) The Director may waive fees issued in accordance with subsection (B), above, if ~~(4)~~ the animal's owner attends and satisfactorily completes an education or training course established under this chapter ~~and/or (2) the animal is spayed or neutered at the expense of the owner, as prescribed by the Director.~~

§ 91.074 CIVIL PENALTIES FOR VIOLATIONS AUTHORIZED.

(A) *Citation to owner or to person or persons responsible.* Except as otherwise provided in subsection (C) hereof, whenever an Animal Control Officer, based upon personal observation of investigation, has reasonable cause to believe that a person has committed a violation of this chapter, the Animal Control Officer is authorized to issue a citation to the offender in accordance with § 32.283.

(B) *Form of citation.* The citation shall contain the information as set forth in § 32.283~~(D)~~(C).

(C) *Notice to owner or to person or persons responsible.* Whenever the Animal Control Officer determines that there has been a violation of this chapter, or has grounds to believe that a violation has occurred, in lieu of issuing a citation as set forth in § 91.073 or in subsection (A) hereof, notice may be given to the owner or person or persons responsible therefore in the manner prescribed in subsections (D) and (E) hereof. If the person to whom the notice is given fails or refuses to remedy the violation within the time

specified in such notice, then the Animal Control Officer is authorized to issue a citation in accordance with subsection (A) hereof.

(D) *Form.* Such notice prescribed in subsection (C) shall be in accordance with all of the following:

- (1) Be in writing;
- (2) Include a statement of the violation or violations and why the notice is being issued;
- (3) Inform the offender of the right to appeal;
- (4) Include a statement that a determination of violation shall be final unless appealed in accordance with this chapter; and
- (5) Include a statement of penalties provided for the violation(s).

(E) *Service.* Such citation or notice prescribed in subsection (A) or (C), respectively, shall be properly served on the owner or his or her agent or an occupant when responsible for the violation, as the case may require. When an occupant is served, the owner, if known, will be notified. A citation or notice is properly served if it is served personally, or if a copy is sent by certified mail or first-class mail to the last known address as recorded by the Jefferson County Property Valuation Administration, or if service is perfected in any other manner authorized under the laws of this Commonwealth. However, if the whereabouts of such person is unknown and cannot be ascertained by the Animal Control Officer or the officer's authorized representative in the

exercise of reasonable diligence, the citation or notice is properly served if copies of the citation or notice are posted in a conspicuous place on the premises affected.

(F) *Violation penalties.* Penalties for noncompliance with citations, orders and notices shall be as set forth in § 91.999(B).

(G) *Appeals.* Penalties may be appealed within ten days of service under subsection (E), above, to the Code Enforcement Board under §§ 32.275 through 32.291.

§ 91.075 REPORTING OF ANIMAL BITES AND ATTACKS REQUIRED.

(A) In addition to physicians, every veterinarian, peace officer, animal control officer, court officials, animal welfare group, clinic, hospital, or any establishment providing health care services, shall be subject to the reporting requirements of KRS 258.065.

(B) The Health Department shall make periodic reports to MAS, and these reports shall not relieve the parties named in subsection (A) from those reporting requirements.

§ 91.076 REPORTING SALES AND GIFTS OF FERRETS, DOGS, CATS, PUPPIES, AND KITTENS.

Any person who sells or transfers ownership of a ferret, dog, cat, puppy, or kitten shall notify MAS within ten days of the date of such sale or transfer of the name and address,

and of any other contact information the seller or transferee may have for the buyer or transferee to include a brief description of the animal.

HUMANE TREATMENT OF ANIMALS

§ 91.090 PROVISION OF NECESSITIES.

(A) No owner shall fail to provide his/her animal with good wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. Any owner of animals shall maintain a clean and healthful shelter and living area for any animal being kept, which area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris. All such shelters or living areas must be cleaned and maintained regularly so as to promote proper health for the animals being kept. All living areas shall be constructed and maintained to promote drainage of rain water to prevent the accumulation of mud and/or water. Shelters shall be constructed to protect the animal from precipitation and of a material which provides insulation from temperature extremes. In addition to the shelter a shaded area shall also be provided by means of other structures, trees, or awning(s). The shelter shall have a floor which is dry and constructed of a material which provides insulation or the floor augmented with resting boards. Insulating bedding materials shall be provided during inclement weather extremes.

(B) The Director, with the approval of the Secretary, may promulgate regulations implementing this section which are not inconsistent with any of the provisions of this chapter.

§ 91.091 RESTRAINT BY LEASH, CHAIN, OR COLLAR; SPECIFICATIONS.

(A) Minimum standards for restraint of animals shall be as follows:

(1) It is prohibited to exclusively restrain a dog or puppy by a fixed-point chain or tether:

(a) Between the hours of 8:00 a.m. and 6:00 p.m.;

(b) For a period of time exceeding one hour in any eight-hour period.

(2) A dog may be restrained by a chain or tether provided that it is at least ten feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten feet in length and mounted no more than seven feet above ground level.

(3) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.

(4) No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.

(5) Any chain or tether shall be at least ten feet in length and have swivels on both ends.

(6) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

(7) All collars used for the purpose of chaining or tethering an animal must be made of nylon, leather, or other durable and non-metallic material. Using a chain, choke, or pinch collar as a primary collar is prohibited.

(8) All collars shall fit an animal so as to avoid causing injury to the animal or becoming imbedded in the animal's neck.

(B) The Director, with the approval of the Secretary, may promulgate regulations implementing this section which are not inconsistent with any of the provisions of this chapter.

§ 91.092 ABANDONMENT.

(A) No person shall abandon any animal. Abandonment consists of leaving an animal for a period in excess of 24 hours, without the animal's owner or the owners' designated caretaker providing all provisions of necessity as defined in this chapter and checking on the animal's condition. No owner shall leave an animal by a roadside or other area, or leave such animal on either public or private property, without the property owner's consent. In the event that an animal is found so abandoned, such animal may be taken by an Animal Control Officer or peace officer, ~~or officer~~ and impounded in MAS facilities and there confined in a humane manner. Such animal, if taken from private property, shall be kept for not less than the prescribed period in accordance with the procedures set forth in the § 91.070 of this chapter, or for any longer period required by

law, regulation, or medical necessity. In the event that an animal is so abandoned, the owner or the person, if any, whom he/she has charged with the animal's care, shall be subject to a citation or civil penalties for any violation of this section.

(B) Any animal found not under restraint without a license or vaccination tag, or any animal found in a condition which requires immediate veterinary care, shall be presumed to be abandoned, and shall be seized.

(C) Notice of seizure of an animal from private property shall be posted on the premises from which the animal was seized which notice shall clearly state the address and telephone number of the MAS facility to which the animal was taken.

§ 91.093 CROPPING OF EARS OR TAIL.

No person shall crop a dog's ears or tail, except a veterinarian.

§ 91.094 CRUELTY; EXHIBITION FIGHTING PROHIBITED.

(A) No person shall neglect, beat, cruelly ill-treat or torment any animal or cause or permit any dogfight, cock fight or other combat between animals. For the purpose of this section, neglect, cruel, ill-treatment and torment of an animal shall constitute cruelty as defined in § 91.001, and further defined as a failure by a person to adhere to the requirements and provisions of § 91.090. In the event there is a reasonable cause to suspect that an animal is being beaten, cruelly ill-treated, neglected or tormented or involved in a dogfight, cockfight or other combat, custody of such animal may be taken by an Animal Control Officer, ~~police~~, or ~~humane~~ peace officer and impounded in the

animal shelter. The animal shall be held as evidence and confined in such facility in a humane manner. Upon finding by a court that the animal has been neglected, beaten, cruelly ill-treated or tormented or involved in a dogfight, cockfight or other combat between animals, the animal shall become the property of the Metro Government.

(B) No person shall own, possess, keep, or train any bird or animal with the intent that such bird or animal shall be engaged in an exhibition of fighting. In the event that a person shall own, possess, keep, or train any bird or animal with the intent that such bird or animal shall be engaged in an exhibition of fighting, he/she shall be liable for citation for violation of this chapter and be subject to the penalties provided in § 91.999.

(C) No person shall be present at any dogfight, cockfight or combat between animals. In the event that a person is present at a dogfight, cockfight, or combat between animals, he/she shall be liable for citation for violation of this chapter and be subject to the penalties provided in § 91.999.

(D) Any person who is found present at a dogfight, cockfight, or combat between animals, and who is charged with being a spectator in violation of this chapter, and who is in possession of and/or is the owner of an animal of the same species as that involved in the animal fight, shall be charged with intent to engage in an exhibition of fighting in violation of this chapter. The animal shall be confiscated if found on the premises or in the immediate area of the dogfight, cockfight, or combat between animals.

§ 91.095 POISONS.

No person shall place any poisonous substance which may be harmful to any domesticated animal, as described herein, in any location where it may be readily found and eaten by such animal.

§ 91.096 OFFERING ANIMAL AS PRIZE OR AWARD.

(A) No person shall offer any live animal as a prize or award in connection with any raffle, protest, demonstration, promotion, or as an incentive to participate in any game, promotion, or otherwise.

(B) No person shall sell, adopt or otherwise give away, or offer to sell, adopt or give away animals from any location other than their personal residence or business or any location licensed by the Metro Government for such purpose.

(C) The provisions of this section shall not apply to any raffle or promotion conducted by a private, non-profit, livestock related organization engaged in such activity at a show or exhibition sanctioned by the Kentucky Department of Agriculture.

§ 91.097 KILLING DOGS, CATS FOR FOOD OR FUR PROHIBITED.

No person shall raise or kill a dog or cat for food or the skin or fur; nor shall any person or business possess any items made from or containing dog, puppy, cat or kitten fur; or any food item containing dog, puppy, cat or kitten. All items made from or containing any type of fur must be labeled with the name of the species whose fur is used.

§ 91.098 MUTILATION OF ANIMALS.

No person shall mutilate any animal whether dead or alive. This provision does not apply to accepted livestock practices concerning humane slaughter at licensed stockyards, slaughterhouses and meat packing establishments or on the premises of agricultural uses. Further, this section shall not apply to the processing of fish or wildlife taken through legal hunting and fishing methods or to the practice of taxidermy.

§ 91.099 SEXUAL ACTS WITH ANIMALS.

No person shall engage or cause or allow any other person to engage in a sexual act with any animal.

§ 91.100 REMOVAL OF ANIMAL IN IMMEDIATE DANGER.

Any animal observed by a peace officer or Animal Control Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

§ 91.101 CONFISCATION OF VICTIMIZED ANIMAL.

(A) Any animal found involved in a violation of any portion of this section may be confiscated by any Animal Control Officer or any peace officer and held in a humane manner.

(B) Upon a hearing before a district court judge, and that judge finding probable cause for the charge, the court shall order immediate forfeiture of the animal to the Metro Government unless the owner, within 24 hours of such finding, posts a cash bond with the court equal to the cost of care of the animal(s), including all estimated boarding and

veterinary fees in the amount of \$450 (\$15 per day) plus all other fees, fines, and penalties imposed under this chapter for each animal, for the first 30 days of its impoundment. If after 30 days, the case has not been adjudicated, the owner must post another full cash bond on the 30th day in the same amount of the original bond or equal to the cost and care of each animal for the first 30 days, whichever is greater. This same process shall be followed each 30-day period until the case has been adjudicated.

(1) Upon a plea or finding of guilt the cash bond(s) shall be immediately paid to MAS. The owner shall also be responsible to pay all costs of care from the date of the impoundment until the time of the first hearing and the posting of the initial bond, as well as any other associated expenses not covered by the daily boarding fee(s). Any portion of the posted bond that has not been encumbered by daily costs at the time of the pleas or finding of guilt shall be returned to the owner. Upon conviction, all animals not forfeited pursuant to subsection (B) herein above shall become the property of the Metro Government.

(2) Upon a finding of innocence, any cash bond(s) posted shall be immediately returned to the owner.

STANDARDS

§ 91.120 BOARDING KENNELS AND CATTERIES.

(A) All boarding kennels or catteries shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these

standards shall be grounds for denial or revocation of a license pursuant to §§ 91.020 through 91.025 and the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999 of this chapter. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) Indoor enclosures (cages, kennels, or runs) shall be provided for each animal housed. These enclosures shall be constructed of an impervious material. Floors shall be metal, fiberglass, concrete, or covered throughout with a minimum of three inches of gravel. Enclosures must be cleaned daily with a disinfectant, cleanser, or chlorine bleach. Cleaning materials must be present at the time of any inspection in amounts sufficient to clean the entire facility. Animals must be removed from enclosures during cleaning.

(C) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained by means of windows, doors, vents, and fans.

(D) Each animal shall have sufficient space to stand up, lie down, and turn around in a natural position without touching the sides or top of the enclosure. If additional space is not provided, either indoor or outdoor, then this enclosure must provide an adequate exercise area.

(E) Beds or resting benches shall be constructed of an impervious material.

(F) Outdoor runs or enclosures may be provided in addition to the indoor enclosures. These outdoor enclosures may be separated or attached to the indoor enclosures. They shall be constructed of an impervious material with floors as in subsection (A) of this section.

(G) All enclosures shall be kept clean and dry.

(H) All enclosures shall provide protection from the weather.

(I) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(J) All animals shall have fresh water available at all times, except as part of a veterinary treatment regimen. Water vessels shall be mounted or secure in a manner that prevents tipping and be of the removable type, except in areas where animals are kept for medical recuperative purposes.

(K) Veterinary care shall be provided to maintain good health and general welfare and to prevent suffering. All costs for such care will be paid for by the boarding kennel or cattery and reimbursed by the owner of the puppy, dog, cat, or kitten unless such care is the result of negligent action or inaction of the owner of the boarding kennel or cattery.

(L) Animals over the age of ~~one~~ four months which are boarded must have proof of a valid Metro Government pet license and a ~~additionally~~, rabies vaccination, ~~if over the age of four months~~.

(M) Owners of boarded animals which do not have proof of a valid dog or cat license shall be presented with a license application by the boarding kennel or cattery. Such application shall be supplied by MAS. The owner shall be advised by the boarding kennel or cattery of the licensing requirement.

(N) The provisions of this section shall not apply to any office of veterinary medicine that does not advertise boarding services. Further, nothing herein shall be construed as granting authority to MAS to inspect, license or regulate any aspect of veterinary medicine. The provisions of this section shall apply solely to the inspection, licensing and regulation of boarding services offered or advertised by offices of veterinary medicine unrelated to the medical diagnosis or treatment of an animal.

(O) The Director, with the approval of the Secretary, may promulgate regulations implementing this section which are not inconsistent with any of the provisions of this chapter.

§ 91.121 CLASS C KENNELS.

(A) Any Class C kennel shall, in addition to the other requirements of this chapter, comply with the standards of this section whenever any dog is trained for guard, sentry, or obedience purposes. Failure to meet these standards shall be grounds for denial of or revocation of a kennel license, and the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) Class C kennels shall comply with the standards set forth in § 91.120 in addition to the following standards.

(C) The area used for training shall be clean, free of accumulated waste and debris, and well-drained.

(D) Outdoor areas where animals are trained for guard or sentry work must be completely enclosed or surrounded by a fence at least eight feet in height, installed at or below ground level, with anti-climbers at the top.

(E) Enclosures and the training area must be locked at all times to prevent unauthorized entry or escape of the animals.

(F) No training shall employ the use of cruelty.

§ 91.122 CLASS B KENNELS OR CATTERIES.

(A) All Class B kennels or catteries shall, in addition to the other requirements of this chapter comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license pursuant to §§ 91.020 through 91.025 of this chapter and the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999 of this chapter. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) Indoors: animals which are kept primarily indoors shall be provided with wholesome food and clean water, a clean living environment free of accumulated waste and debris, comfortable temperature and ventilation, and provided veterinary care when needed. If allowed access to outdoors on a temporary basis, the outdoor area shall be kept free of waste and debris and well-drained. Such outdoor area shall comply with all restraint requirements contained in this chapter.

(C) Outdoors: animals which are kept primarily outdoors shall be provided with proper shelter, a clean living environment free of accumulated waste and debris, supplemental protection from weather extremes, and well-drained. Such outdoor area shall comply with all restraint requirements contained in this chapter.

(D) Each Class B kennel or cattery license shall apply to no more than five dogs and/or cats, four months of age or older. Any additional dogs or cats four months of age or older must be licensed individually.

(E) Each purchaser of a dog, cat, puppy, or kitten shall be provided with a copy of § 91.141 by the kennel or cattery, along with a Metro Government dog/cat license application.

§ 91.123 CLASS A KENNELS OR CATTERIES.

(A) All Class A kennels or catteries shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license pursuant to §§ 91.020 through 91.025 of this chapter and the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999 of this chapter. Facilities shall be subject to inspection by an Animal Control Officer upon request during reasonable hours.

(B) Each Class A kennel or cattery shall comply with the standards set forth in § 91.120 in addition to the following standards.

(C) Each dog or cat, four months of age or older, must have proof of a valid vaccination against rabies.

(D) Each purchaser of a dog, cat, puppy, or kitten shall be provided with a copy of § 91.141 by the kennel or cattery, along with a Metro Government dog/cat license application.

(E) Each Class A kennel or cattery license shall apply to up to five dogs or cats and shall require an additional Class A kennel or cattery license for each increment of up to five dogs or cats.

§ 91.124 PET SHOPS.

(A) All pet shops, as defined herein, including pet shops run in conjunction with another holding facility, shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) There shall be available hot water at a minimum temperature of 140° F., for washing cages and disinfecting, and cold water easily accessible to all parts of the shop. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day. All water containers shall be mounted so the animal cannot turn them over and be of the type that are removable for cleaning.

(C) Room temperature of the shop shall be maintained at a level that is healthful for every species of animals kept in the shop.

(D) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn, and lie down in the natural position. Each cage must be cleaned and disinfected each day.

(E) All animals under three months of age are to be fed at least three times per 24 hours. All animals from three months to nine months of age are to be fed at least two times per 24 hours. All other animals must be fed at least one time per 24-hour period. Food for all animals shall be served in a clean dish so mounted that the animal cannot readily tip it over and be of the type that are removable for cleaning.

(F) Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned everyday, and cages must be disinfected when birds are sold or as otherwise transferred. Parrots and other large birds shall have separate cages from smaller birds.

(G) There shall be sufficient clean, dry bedding to meet needs of each individual animal.

(H) All animals must be fed and watered, and all cages cleaned every day, including Sundays and holidays.

(I) Each purchase of a dog, cat, puppy, kitten, or ferret shall be provided with a copy of § 91.141 by the pet shop, along with a Metro Government dog/cat license application.

§ 91.125 RIDING SCHOOLS OR STABLES.

(A) All riding schools or stables as defined herein shall, in addition to other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) All animals shall be provided with daily food and water, free from contamination. Such food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(C) All equipment used for riding must properly fit each individual animal.

(D) Shelter.

(1) All buildings and sheds used for stabling animals shall be:

(a) Well lit and ventilated and provide adequate protection from the weather;

and

(b) Kept clean and in good repair at all times and manure and urine shall be removed therefrom daily.

(2) Acceptable bedding material must be provided.

(3) Any enclosure where animals are kept shall be graded and raked to keep the surface reasonably dry.

(E) Flies and other insects must be controlled through general sanitation and necessary means.

(F) Animals let for riding purposes must be in good physical condition.

(G) Riding stables which rent or lend horses to the general public and pony rides shall, in addition to the above requirements, also adhere to the following standards:

(1) Animals exhibiting the following shall be deemed unfit for work:

(a) Sores or abrasions caused or likely to be irritated by the bearing of services, girth, harness, or bridles, unless packing could be utilized.

(b) Serious injury or illness.

(c) Obvious signs of emaciation, malnutrition, lameness or exhaustion.

(2) Animals requiring veterinary care shall not be moved, ridden, or driven, except for the purpose of humane keeping, pasturing, or obtaining medical care.

(3) Animals shall be properly shod and the hooves shall be kept trimmed.

(4) Animals shall be kept clean, particularly in the areas in contact with harness or other tack.

(5) Animals shall not be worked more than two hours without being given a total of 30 minutes rest. The maximum working period for any one animal shall be ten hours out of every 24 hours.

(6) Animals shall not be worked when the temperature at the workplace reaches or exceeds 95°F. Animals which are on heat stress treatment which has been prescribed by a veterinarian may be worked while under such treatment, as long as a veterinarian is on the premises of the workplace.

(7) No animal shall be over-ridden or driven to result in overheating or exhaustion.

(8) All harnesses and bridles shall be kept cleaned and in good repair.

(9) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.

(10) MAS may order a quarantine on the entire premises where the animals are being stabled or any part thereof or on any particular animal for any of the following reasons:

(a) Excessive parasitism, diagnosed by a veterinarian, which would cause the animal to be unfit to be ridden or driven.

(b) General malnutrition as diagnosed by veterinarian.

(c) Presence or suspicion of transmissible disease as diagnosed by a qualified veterinarian.

(H) All stalls, barns, paddocks, fields or any enclosures where horses or ponies are kept, shall be secured by gates and fencing that is in good repair and sufficient to prevent the animal from leaving such enclosure.

§ 91.126 ANIMAL WELFARE GROUPS.

(A) All animal welfare groups shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license pursuant to §§ 91.020 through 91.025 and the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.

(C) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.

(D) Each animal shall have sufficient space to stand up, lie down, and turn around in a natural position without touching the sides or tops of cages.

(E) Cages are to be of material and construction that permit cleaning and sanitizing.

(F) Cage floors of concrete, unless radiantly heated, shall have a resting board of some type of bedding.

(G) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.

(H) All animal quarters and runs are to be kept clean, dry, and in a sanitary condition.

(I) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(J) All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.

(K) All cats four months or older, and all dogs four months or older prior to being sold or adopted, must be spayed or neutered, have a Metro Government license, and a valid rabies vaccination. A voucher only may be used when the pet is under the age of four months for a cat, or ferret, or five months for a dog. The animal then must be spayed or neutered within 30 days. Vouchers must be submitted to MAS. A voucher shall be issued when an adopted animal is deemed unable to withstand the surgery by a veterinarian.

(L) This provision shall not apply to any animal reclaimed by its owner.

(M) Animals accepted which have no known owner must be held for no less than five days for dogs and puppies and five working days for cats, kittens, and three days for other animals. A photograph of the animal(s) shall be posted at MAS at the designated location for the entire holding periods. Such photograph shall have printed on it the animal(s) identification number and the date through which it shall be held. Business hours must be sufficient to permit the owner to reclaim the animal. Redemption fees or all fees associated with redemption for such animals cannot exceed those established by this chapter and charged by MAS.

(N) A record must be kept on each animal accepted or housed, noting the following:

- (1) Name and address of previous owner or person turning in the animal.
- (2) Date received.
- (3) Condition and medical treatment.
- (4) Date sold, adopted, or destroyed.
- (5) Name and address of new owner.
- (6) Date animal was surgically altered, and name of veterinarian.

(O) Failure to keep such records and/or failure to release said records to authorized personnel of MAS shall be grounds for issuance of a citation to the person and/or revocation of any license issued pursuant to this chapter.

§ 91.127 ANIMAL-DRAWN VEHICLES.

(A) All operators and owners of animal-drawn vehicles shall, in addition to other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for the issuance of a citation subjecting the owner to the penalties and fines provided in § 91.999. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) All animals shall be provided daily with food and water, free from contamination. Such food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(C) Shelter.

(1) All buildings and sheds used for stabling animals shall be:

(a) Well-lit and ventilated and provide adequate protection from the weather;
and

(b) Kept clean and in good repair at all times, and manure and urine shall be removed therefrom daily.

(2) Any enclosures where animals are kept shall be graded and raked so as to keep the surface reasonably dry.

(3) Clean bedding must be provided.

(D) Flies and other insects must be controlled through general sanitation and necessary means.

(E) All animals used for carriage horse tours must weigh at least 800 pounds and be considered in generally good health. Any owner or operator of an animal-drawn vehicle who desires to use an animal for this purpose which does not weigh 800 pounds must apply to the MAS for approval in writing prior to such use.

(F) Animals exhibiting the following shall be deemed unfit for work:

(1) Sores or abrasions caused or likely to be irritated by the bearing of services, girth, harnesses, or bridles, unless padding could be utilized.

(2) Serious injury or illness.

(3) Obvious signs of emaciation, malnutrition, lameness, or exhaustion.

(G) Animals requiring veterinary care shall not be moved, ridden, or driven, except for the purpose of humane keeping, pasturing, or obtaining medical care.

(H) Animals shall be properly shod, and the hooves shall be kept trimmed.

(I) Animals shall be kept clean, particularly in the areas in contact with harness or other tack.

(J) Animals shall not be worked more than two hours without being given a total of 30 minutes rest. The maximum working period for any one animal shall be ten hours out of every 24 hours.

(K) Animals shall not be worked when the temperature at the work place reaches or exceeds 95°F. Animals which are on heat stress-preventive treatment which has been prescribed by a veterinarian may be worked while under such treatment on contracts entered into prior to the beginning of such treatment.

(L) The speed at which any animal is driven shall not exceed a slow trot.

(M) No animal shall be overridden or driven to result in overheating or exhaustion.

(N) Animals shall be provided water at the loading site and on routes at all times they are working.

(O) All harnesses and bridles shall be kept oiled and cleaned and in good repair.

(P) Carriages must be kept properly lubricated, and wheels must spin freely.

(Q) MAS may order a quarantine on the entire premises where the animals are being stabled or any part thereof or on any particular animal for any of the following reasons:

(1) Excessive parasitism, diagnosed by a veterinarian, which would cause the animal to be unfit to be ridden or driven.

(2) General malnutrition, as diagnosed by a veterinarian.

(3) Presence of suspicion of contagious or transmittable disease, as diagnosed by a veterinarian.

(4) Owners and operators of animal-drawn vehicles shall not permit unsanitary conditions to be present on any town route, animal rest area, or any area where the animals are kept. All such areas shall be kept clean and free of conditions which might harbor or be conducive to the breeding of insects or rodents.

(R) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.

§ 91.128 SALE OF ANIMALS FROM ANIMAL SHELTER.

(A) All dogs and cats purchased or obtained from MAS must be surgically altered to prevent breeding prior to the purchase. For purposes of this chapter, "obtained" does not include reclaimed. A voucher shall be issued when an adopted animal is deemed unable to withstand the surgery by a veterinarian.

(B) Prior to the sale or adoption of any animal from the animal shelter, MAS will require the prospective buyer to complete an animal placement questionnaire. The questionnaire is designed to determine the prospective owner's ability to properly care for the animal. Past experience and knowledge of MAS personnel of the prospective owners, as well as previous violations of this chapter by the prospective owners, may be grounds to refuse the sale or adoption. Additional grounds may be whether the prospective owner is able to provide an enclosure where the animal is to be kept which is adequate to keep the animal restrained, whether the animal is being purchased for resale, whether the prospective owner has obtained another animal from the Animal Shelter in the past 12

months, whether the prospective owner has owned a pet which has died without appropriate veterinary care, and whether the prospective owner is purchasing the animal solely for guard or attack purposes. The animal shelter is not obligated to sell any animal in its custody.

(C) Any person adopting an animal is required to comply with all stipulations and conditions set forth in the adoption agreement. Failure to do so may result in the issuance of a uniform citation for violation of this section and forfeiture of the animal.

§ 91.129 THEATRICAL EXHIBITIONS

(A) All theatrical exhibitions as defined herein shall, in addition to other requirements of this chapter, comply with the minimum standards of this section. Facilities shall be subject to inspection by an Animal Control Officer upon his or her request during reasonable hours.

(B) Animal quarters shall be of sufficient size to allow each animal to stand up, lie down, and turn around in a natural position without touching the sides or top or any other animal or waste.

(C) Each enclosure shall maintain a comfortable and healthful temperature level as well as adequate ventilation.

(D) The enclosure, performance, or exhibit area shall include a barrier located in such a manner as to prevent the public from coming in contact with the animal. Exempted from this subsection (D) are pony rides, elephant rides at a circus that has a

license as required by § 91.023, and has been granted authorization by MAS, petting zoos containing only domestic pets as defined herein, and exhibitions sanctioned by the Kentucky Department of Agriculture.

(E) No animal shall be made to perform by means of any prod, stick, electrical shock, chemical or physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.

(F) No animal shall be caused to fight, wrestle, or be physically matched against any other animal or person.

(G) No animal shall perform or be displayed in any dangerous situation, such situation presenting the danger of physical injury to the animal or person.

(H) MAS must be notified of all displays or performances, including date, time, and exact location at least 48 hours in advance of a display or performance.

§ 91.130 ELEPHANT RIDES.

(A) No person, firm, or corporation shall use elephants for rides in a circus without first obtaining special authorization from MAS. Such authorization shall be affixed to the authorized entity's license or permit issued under § 91.023.

(B) Qualifications for elephant ride authorization.

(1) *Safety record.* Applicants for elephant ride authorization shall include in their initial application or application renewal for a permit, or license issued pursuant to §

91.023, information that will identify, by drawings and/or photographs, the animal(s) that will be used in the rides. The application, or application renewal for a permit or license, shall also include a certified statement on the complete safety record of the animal(s). No elephant that has caused a serious injury or death to a handler, trainer, member of the public, or other person within five years prior to application for a permit or license shall be used for rides. Safety incidents that occurred prior to the five-year period shall be reviewed by MAS for possible exclusion of the elephant for rides, in accordance with the following factors, but not limited to:

- (a) The circumstances surrounding the injuries caused by the elephant.
- (b) The seriousness or extent of injuries, or number of individuals affected.
- (c) The number of safety incidents in which the elephant was involved.

MAS shall have final approval authority regarding the use of elephants authorized for rides following consideration of the above factors. In addition, if an elephant(s) is involved in a safety incident subsequent to the approval of the application for a permit or license, but prior to entering, or while performing in, Louisville Metro, Officers of MAS may direct the animal to be removed from all exhibition activities until the conclusion of the investigation or prosecution.

(2) *Safeguards.* Applicants for a permit or license, as provided in § 91.023, who seek to offer elephant rides to the general public shall provide documentation of safeguards to insure public safety. This documentation shall include:

(a) An emergency plan for protecting the public that specifies what to do in case of elephant incidents; where tranquilizing equipment and/or firearms are kept; who is to use tranquilizing equipment, and when they shall be used to capture, control, or destroy escaped or out-of-control animals.

(b) Such equipment, and an employee trained in the use of such equipment, shall be on the premises at all times that such elephant is in a public contact situation.

(c) An emergency plan to evacuate the elephant riders in a safe manner in case of animal safety incidents or non collaboration of the elephant.

(3) *Experienced supervision.* All elephant rides shall be supervised by a minimum of one qualified handler and one assistant at all times. Applicants shall provide documentation that the handler has had not less than one year of experience in elephant handling, and no safety incidents with the elephants that he or she handled. Such handler and assistant shall be in the immediate presence of the elephant at all times when the elephant is in a position to be in direct contact with the public and when being led to the rides exhibition, or back to its post. Applicants shall include the names of handlers and the experience documentation in their initial application for a permit or license, and in their renewal applications thereafter.

(4) *Barriers.* Two protective physical barriers shall be present between the elephant and the public at all elephant ride sites. Such barriers shall have a space between each barrier to prevent bystanders from touching the animal and animal from touching bystanders. Applicants shall include in their application package photos or

drawings of barriers they intend to use and a description of materials used to construct such barriers.

(5) *Insurance.* Applicants must submit when applying for a permit or license proof of a certificate of insurance with an insurance company licensed to do business within the Commonwealth of Kentucky that provides:

(a) Third-party liability coverage protecting the public from death or injury by the elephants used in the rides with a limit of liability no less than \$500,000; and

(b) An endorsement that requires the insurer to notify MAS in the event that the policy should lapse or be cancelled.

(6) No unaltered elephant male, female in heat or with a calf of six months or younger shall be used for elephant rides.

(7) Only Asian elephants shall be used for elephant rides.

(8) *Final approval.* MAS shall not grant authorization for elephant rides at a circus if any of the requirements in this section are not satisfied. However, MAS still may issue a permit or license to a circus, in accordance with § 91.023, to allow it to perform its other acts, minus elephant rides.

SALE OF ANIMALS

§ 91.140 EXOTIC SPECIES; KEEPING OF RECORDS.

(A) *Exotic species.* Any pet shop, animal dealer, or other person who transfers or permits to be transferred the ownership of an exotic species, as herein defined, shall keep records of the ownership transfer for a period of at least three years. These records shall include:

(1) Point of origin of the animal.

(2) The medical history of said animal, including but not limited to vaccinations, diseases, and treatment.

(3) The date the pet shop, animal dealer, or other person came into possession of the animal.

(4) The date of transfer and the transferee's name and address.

(B) *Records available.* These records shall be kept by the transferor and shall be made available to MAS or other authorized agent upon request.

(C) *Grounds for citation.* Failure to keep such records and/or to release such records to authorized personnel shall be grounds for the issuance of a citation subjecting the owner or person transferring such animals to the penalties contained, pursuant to § 91.999 and/or the revocation of any license issued pursuant to this chapter.

**§ 91.141 PUPPIES, DOGS, KITTENS, CATS, AND FERRETS;
CERTIFICATION AS UNFIT FOR PURCHASE OR ADOPTION.**

(A) No pet shop, animal dealer, or other party, whether individual, organization, or establishment, shall sell or offer for adoption any puppy, dog, kitten, cat, or ferret which is unfit for purchase. The purchaser or adoptee of a puppy, dog, kitten, cat, or ferret from a pet shop, animal dealer, or other party, which suffers or dies of a disease or parasitic infection, must have these conditions or death certified by a veterinarian within 30 days of the purchase date as evidence that the animal was unfit for purchase. Any puppy, dog, kitten, cat, or ferret which suffers from any congenital or hereditary condition must be certified as unfit for purchase by a veterinarian within one year of the date of purchase.

(B) In the event that a puppy, dog, kitten, cat, or ferret is certified as unfit for purchase or adoption, and such certification is presented in writing to the pet shop, animal dealer, or other person, within 72 hours of the veterinary certification, the owner or purchaser may choose one of the following options and the pet shop, animal dealer or other party shall be obligated to fulfill the conditions of the chosen option.

(1) The owner or purchaser may return the puppy, dog, kitten, cat, or ferret for a full refund of the purchase price plus tax. Additionally, the owner or purchaser shall be entitled, up to a total amount not to exceed the full purchase price of the puppy, dog, kitten, cat, or ferret, to any veterinary fees incurred relating to the disease, defect, or infection; veterinary fees directly related to the veterinarian's examination and certification that the puppy, dog, kitten, cat, or ferret is unfit for purchase pursuant to this section; and for veterinary fees directly related to necessary emergency services and treatment undertaken to remedy the disease, defect, or infection.

(2) The owner or purchaser may return the puppy, dog, kitten, cat, or ferret for an exchange equal to the full purchase price plus tax. Additionally, the owner or purchaser shall be entitled, up to a total amount not to exceed the full purchase price of the puppy, dog, kitten, cat, or ferret to any veterinary fees incurred relating to the disease, defect or infection; veterinary fees directly related to the veterinarian's examination and certification that the puppy, dog, kitten, cat, or ferret is unfit for purchase pursuant to this section; and for veterinary fees directly related to necessary emergency services and treatment undertaken to remedy the disease, defect or infection.

(3) The owner or purchaser may retain the puppy, dog, kitten, cat, or ferret and attempt to cure the disease, defect, infection, or to ameliorate the condition caused by the disease, defect, or infection. The pet shop, animal dealer, or other person shall be responsible for the cost of veterinary fees incurred related to the disease, defect, or infection for which the puppy, dog, kitten, cat, or ferret was certified as unfit, up to the full purchase price of the puppy, dog, kitten, cat, or ferret plus tax.

(4) The owner or purchaser of a puppy, dog, kitten, cat, or ferret which dies from the disease, defect, infection or condition for which it is certified as unfit for purchase may receive a full refund of the purchase price of the puppy, dog, kitten, cat, or ferret plus tax in addition to any veterinary fees incurred relating to the disease, defect or infection up to the full purchase price of the puppy, dog, kitten, cat, or ferret plus tax.

(5) The pet shop, animal dealer, or other party may contest a demand for veterinary expenses, refund, or exchange made by a purchaser or owner if done so in writing within two days of the owner or purchaser's presentment of a certificate of

unfitness. In the event that the pet shop, animal dealer, or other party wishes to contest a demand for veterinary expenses, refund, or exchange made by the purchaser or owner pursuant to this section, the pet shop, animal dealer or other party shall have the right to require the consumer to produce the puppy, dog, kitten, cat, or ferret for examination by a licensed veterinarian designated by the dealer. Upon such examination, if the consumer and the seller/provider of the animal are unable to reach an agreement which constitutes one of the options set forth in subsections (B)(1) through (4) within ten business days following receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain such reimbursement of veterinary expenses, refund or exchange.

§ 91.142 WAIVER.

(A) A purchaser may sign a waiver knowingly relinquishing all of the above rights specified in § 91.141(B). The waiver must include the following language:

"These are your rights under Chapter 91 of the Metro Government Code of Ordinances.

If you purchase or adopt any puppy, dog, kitten, cat, or ferret and:

(1) Within 30 days after such purchase, the animal is certified by a veterinarian as having been unfit for purchase or adoption because it suffers from, or dies as a result of, a disease or parasitic condition; or

(2) Within one year of the date of purchase, the animal is certified by a veterinarian as suffering any congenital or hereditary condition;

Then you have the right to return the animal to the seller within 72 hours of the veterinary certification and receive a full refund or exchange of equal value, or you may keep the animal and attempt to cure the condition. You may also recover certain qualified veterinary fees up to the purchase price of the animal. If you sign this waiver, you will lose these rights."

(B) The waiver must be in bold print and signed by the buyer. If such a waiver is signed by the buyer, the pet shop, dealer, or other person may offer his or her own warranty, or sell the puppy, dog, kitten, cat, or ferret "as is."

(C) In addition to the other requirements of this section, the owner of each dog, puppy, cat, kitten, or ferret which is placed for sale, adoption or placement shall maintain a record which documents the origin of the animal. This record shall contain the name, address, and telephone number of the kennel/cattery and its owner, or the individual which produced the animal. In the case of adoption from a licensed animal welfare group or government-operated shelter, the record must indicate if the animal was a stray, where it was picked up, and by whom, and if previously owned, the name and address. This record shall be available to MAS.

(D) The document shall also contain, other than if being adopted from a shelter, if the animal originates from:

(1) Jefferson County, the animal dealer, pet shop, kennel or cattery license number, or the individual dog, cat, or ferret license number of the female that produced the litter or individual animal.

(2) Kentucky (outside Jefferson County), the state kennel license or individual dog license number(s), and the United States Department of Agriculture (USDA) animal dealer license number (if applicable) of the owner that produced the litter or individual animal, dog, cat, or ferret.

(3) Outside Kentucky, the USDA animal dealer license number (if applicable) of the owner that produced the litter or individual animal.

(E) All advertisements for the sale, adoption, or placement of these animals within Jefferson County must contain the owners, animal dealer, pet shop, kennel or cattery license number, and/or their individual dog, cat, or ferret or multiple cat household license number.

DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS

§ 91.150 DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS.

(A) *Prohibition.* No dog shall commit an attack or severe attack, as previously defined. In the event that a peace officer or Animal Control Officer witnesses either type of attack or witnesses the wounds or injuries caused by the attack, and the offending animal(s) can be identified by credible evidence, including, but not limited to, witness identification, forensic evidence, or other physical evidence, the dog(s) may be impounded and the owner cited for violation of this section. If the owner is cited and the

animal(s) impounded, the animal(s) shall remain impounded subject to the conditions set forth in §§ 91.070 or 91.151, pending a decision by the Jefferson District Court or the Director, in accordance with their respective authority, unless ownership is voluntarily relinquished and the dog(s) turned over to MAS. Upon a plea or finding of guilt, the dog(s) may be redeemed by the owner after inspection and verification of a proper enclosure as defined under this chapter ~~state law~~, unless ordered euthanized by the court. There the dog(s) shall remain, securely confined, and may not be removed except to be treated by a veterinarian or to be turned in to or inspected by MAS. While being transported to the veterinarian or animal control shelter, it must be muzzled and restrained by a leash no longer than ~~three~~ four feet in length. No owner of a dangerous dog(s) or potentially dangerous dog(s) may transfer ownership or the location where the animal(s) is contained. The owner shall be responsible for all veterinary, euthanasia, redemption, and/or boarding fees.

(B) *Exemptions.* An animal shall not be deemed to be a potentially dangerous dog or dangerous dog solely because it bites or attacks:

(1) Anyone assaulting its owner. This shall not include any police officer attempting to subdue or effect the arrest of a suspect.

(2) Any person who is in the act of tormenting or abusing it.

(3) Any unrestrained animal which attacks it or its young while it is restrained in compliance with this chapter.

(4) Anyone entering the owner's property to commit robbery, burglary, assault, or other crime. Simple trespass by a person onto private property shall not be considered provocation for any attack.

(5) While performing work by a governmental law enforcement agency.

(6) While seriously injured or incapacitated.

§ 91.151 ALTERNATIVE PROCEDURES FOR CONTROLLING DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS.

As an alternative to the procedures set forth under § 91.150(A), the Director, or his/her designee, shall have the authority to do all of the following procedures. If at any time during the process under this section, the Director determines that a dog is an immediate threat to public safety and welfare, the Director shall impound the dog and proceed under § 91.150.

(A) Upon observation of an at-risk dog by an Animal Control Officer, or upon receipt of a complaint of an at-risk dog, the identity of the owner shall be determined. If the identity of the dog's owner cannot be determined, the dog shall be immediately impounded.

(B) If the dog's owner can be identified, the Animal Control Officer shall investigate the circumstances of the complaint. If the Animal Control Officer finds probable cause to believe that the dog is a dangerous dog as defined in this chapter, the dog shall be immediately impounded pending a final determination by the Director. If

the Animal Control Officer finds probable cause to believe that the dog is a potentially dangerous dog as defined in this chapter, the dog may be returned to the owner provided that (1) the dog is not an immediate threat to public safety and welfare; and (2) the owner signs an acknowledgment on a form provided by MAS that he/she is the dog's owner, and that the owner will confine the dog to the owner's property pending a final determination by the Director. If the owner(s) fail or refuse to sign such an acknowledgment, the dog shall be immediately impounded pending a final determination by the Director.

(C) The Director shall forthwith determine if the dog under investigation is a dangerous dog or a potentially dangerous dog as defined in this chapter.

(D) If an at-risk dog under investigation has previously been classified as a potentially dangerous dog and exhibits escalating aggressive behaviors which threaten public safety or welfare, that circumstance alone may be grounds for an Animal Control Officer to impound the dog, and for the Director to determine that the dog is a dangerous dog.

(E) If the Director determines that a dog under investigation is a dangerous dog or a potentially dangerous dog as defined in this chapter, the Director shall notify the owner of the dog in writing, by certified mail and a return receipt which shows the date and place delivered. The notice shall advise the owner of (1) the provisions of this chapter relating to the requirements for ownership of a dangerous dog or a potentially dangerous dog; and (2) the owner's right to appeal the Director's determination together with the process for filing an appeal.

(F) If the owner of a dog which the Director has declared to be a dangerous dog or a potentially dangerous dog is unknown, the dog shall not be released from impoundment except under conditions which comply with § 91.152.

(G) The owner of a dog which has been determined by the Director and declared to be a dangerous dog or a potentially dangerous dog may appeal that determination to the Secretary. The appeal shall be in writing and shall be filed within five days of receipt of notice of the Director's determination. The Secretary's decision on the appeal shall be final for all purposes, and may be appealed to the Jefferson District or Jefferson Circuit Court whichever court has jurisdiction.

(H) The owner of a dog which has been declared a potentially dangerous dog may petition the Director for removal of the classification if a period of 18 months has passed since the Director's determination without a complaint or incident of a violation of this chapter involving the dog. As a condition of reclassification, the Director may require the owner, at the owner's sole expense, to (1) assign the dog to complete an obedience class designated by the Director; (2) have the dog evaluated by an animal behavior specialist approved by the Director; or (3) attend a responsible ownership class.

§ 91.152 REQUIREMENTS FOR OWNERSHIP OF A DANGEROUS DOG OR A POTENTIALLY DANGEROUS DOG.

(A) *Potentially dangerous dog.* In addition to restraints which apply to all dogs as defined in the chapter, a dog classified by the Director as a potentially dangerous dog shall only be kept in an enclosure which the Director finds to be sufficiently secure to

contain the dog taking into consideration the dog's size and behavior and the dog's history. The enclosure shall be sufficiently secure to prevent trespass and to prevent children from coming into contact with the dog. When outside an approved enclosure, the dog must be kept at all times on a leash no more than four feet in length, and under the control of a person physically able to handle the dog. The owner shall file photographs of the dog with the Director, and the dog shall have a microchip implanted at the owner's expense.

(B) *Dangerous dog.* In addition to restraints which apply to all dogs as defined in the chapter, a dog which has been classified by the Director as a dangerous dog shall only be kept in an enclosure which the Director finds to be sufficiently secure to contain the dog taking into consideration the dog's size and behavior and the dog's history. The enclosure shall be sufficiently secure to prevent trespass and to prevent children from coming into contact with the dog. When outside an approved enclosure, the dog must be kept at all times on a leash no more than four feet in length, muzzled, and under the control of a person physically able to handle the dog. The owner shall file photographs of the dog with the Director, and the dog shall have a microchip implanted at the owner's expense.

(C) *Location; transfer of ownership.* The location of any dog which has been classified by the Director as a dangerous dog or potentially dangerous dog shall not be changed for any period in excess of three days without notification to the Director which MAS shall provide by regulation. The owner of any dog which has been classified by the

Director as a dangerous dog or potentially dangerous dog shall not be changed without immediate notification to the Director by means which MAS shall provide by regulation.

(D) *Transportation.* No dog which has been classified by the Director as a dangerous dog or potentially dangerous dog shall be transported in any vehicle unless the dog is contained in a closed and locked cage or crate.

(E) *Additional fees.* The owner of any dog which has been classified by the Director as a potentially dangerous dog shall pay annually to MAS a fee of ~~\$250~~ per Appendix A to cover record keeping and monitoring costs incurred by MAS. The owner of any dog which has been classified by the Director as a dangerous dog shall pay annually to MAS fees prescribed in § 91.009 to cover record keeping and monitoring costs incurred by MAS.

(F) *Violations of requirements.* It shall be unlawful for the owner of any dog which has been classified by the Director as a dangerous dog or a potentially dangerous dog to fail or refuses to carry out and perform all of the requirements of this section. In addition to the penalties under § 91.999, the Director shall immediately impound the dog.

RELEASE OF BALLOONS

§ 91.160 RELEASE OF BALLOONS.

(A) *Purpose.*

(1) The Metro Government finds that the release into the atmosphere of lighter than air latex rubber balloons and plastic mylar balloons has created an ecological problem because such balloons are carried east by prevailing winds and burst over the Atlantic Ocean where they have been eaten by dolphins, sea turtles, seabirds and migratory waterfowl sometimes resulting in the death of such animals by intestinal blockage;

(2) Although the Metro Government recognizes that the aforesaid ecological problem is but a small part of the global issue of responsible water management and ocean protection and reclamation, the prohibition of balloon launches by an inland municipality will constitute one small act of concern and awareness which it is hoped will encourage other municipalities and states to take similar actions on behalf of our planet's oceans and ocean life; and

(3) The festive atmosphere created by large displays of balloons can be achieved without actually releasing the balloons into the atmosphere.

(B) *Prohibition.* No person shall intentionally cause rubber and/or plastic Mylar balloons to be released into the atmosphere.

§ 91.997 REFERENCES TO STATUTES AND OTHER ORDINANCES.

Any Kentucky state statute or administrative regulation, or any ordinance of the Louisville/Jefferson County Metro Government cited, referred to, or incorporated by reference in this chapter shall be deemed to refer to or incorporate by reference any

amendment, revision, or successor to the statute, regulation, or ordinance so cited, referred to, or incorporated by reference.

§ 91.998 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 91.999 PENALTY.

(A) *Criminal penalty.*

(1) Any person violating any of the following provisions: §§ 91.007, 91.021, 91.022, 91.072, 91.090 through 91.095, 91.097 through 91.099, 91.150 or 91.152, or committing a second or subsequent violation of any other provision of this chapter shall be deemed guilty of a Class A misdemeanor and shall be punished by a fine not to exceed \$500 or be imprisoned for a period not to exceed 12 months in jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.

(2) Except as provided in subsection (A)(1) directly above, any person violating any other provision of this chapter shall be deemed guilty of up to a Class B misdemeanor, so long as this is the party's first offense for any violation, and may be punished up to a \$250 fine or imprisoned for a period not to exceed 90 days in jail, or both so fined and imprisoned. Each day a violation continues shall constitute a separate offense.

(3) Any person found guilty of owning a dangerous dog, in addition to the penalties imposed, may be required by a District Court Judge to have the dog humanely euthanized if in the opinion of that judge the severe attack warrants such action.

(4) Any person found guilty of owning a potentially dangerous dog or dangerous dog, shall be fined not less than \$250 and shall have the dog spayed, or neutered within seven days of that finding. Proof of the surgery must be provided to MAS within 24 hours of its performance.

(5) Any person found guilty of owning a potentially dangerous dog or dangerous dog, in addition to any other penalties or stipulations imposed, shall within seven days of that finding also have the dog implanted with a microchip identification. Within seven days of that implantation, the owner shall present the animal to MAS for scanning and verification of the microchip and identification number.

(6) In addition to any penalties and/or stipulations imposed, anyone convicted of violations of §§ 91.021, 91.022, or 91.090 through 91.100 shall also be required to relinquish ownership of the animal(s) to the Metro Government immediately upon that conviction.

(7) Any person found guilty of violating the provision of § 91.160 shall be fined not less than \$50 nor more than \$250 for each offense.

(8) Notwithstanding any other provision of subsections (A)(1) through (A)(7), no fine or penalty imposed under this section for a violation of this chapter shall be less

than or greater than that imposed under any provision of the Kentucky Revised Statutes for the same offense.

(B) *Civil penalty.*

(1) Any person who violates any of the provisions of this chapter shall be subject to a civil penalty. Any person cited pursuant to this subsection may pay the minimum civil penalty within seven days from the date of issuance or request a hearing of such penalty by the Code Enforcement Board ("Board") in accordance with §§ 32.275 et seq. If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the maximum civil penalty set forth in the citation.

(2) Any person who violates any provision of any of the provisions of this chapter shall be subject to a civil penalty of not less than \$150 nor more than \$1,000. Penalties for each subsequent offense shall be cumulated as multiples of the number of previous offenses.

(3) Notwithstanding any other provision of subsection (B) under this chapter, no violation shall constitute a civil offense, if the same conduct regulated by this chapter also constitutes a criminal offense under any provision of the Kentucky Revised Statutes.

(4) The Director may waive or reduce any civil penalty set forth in this Section (B) due to financial hardship or on the basis of income level, as the case may be, and/or (1) if the violator attends and satisfactorily completes an education or training course

established under Section 91.060, and/or (2) if the dog or cat is spayed or neutered, at the expense of the owner, as prescribed by the Director of Metro Animal Services.

APPENDIX A: METRO ANIMAL SERVICES FEE SCHEDULE

<i>Type of License</i>	Annual Fee
Altered dog, cat or ferret license	\$9.00 (or \$24.00/3yrs, only when matched to triennial rabies vaccine)
Unaltered dog, cat or ferret license	\$35.00 –\$50.00
Unaltered dog permit (issued after the effective date of Chapter 91)	
Transfer of pet license <u>mid-year</u>	\$5.00
Potentially dangerous dog license	\$250.00
Dangerous dog license	\$500.00
Boarding kennel or cattery	0 - 5 runs and/or cages capacity; \$30.00 6 - 25 runs and/or cages capacity; \$60.00 26 - 50 runs and/or cages capacity; \$90.00 51 - 75 runs and/or cages capacity; \$120.00 76 - 100 runs and/or cages capacity; \$150.00 101 + runs and/or cages capacity; \$180.00
Class A kennel or cattery	\$150.00 for 5 animals or less
Class B kennel or cattery	\$100.00 for 5 animals or less
Class C kennel	\$100.00
Multiple pet license	\$28.00 plus \$6.00 per animal over 4 animals
Altered dog, cat or ferret belonging to a senior citizen (owner 65 years or older, two dogs, cats or ferrets per household)	\$4.50 ½ of the normal dog, cat or ferret license fee, as set forth above
Pet shop	\$125.00
Pet shop (selling dogs, cats or ferrets)	\$300.00
Animal dealer (not selling dogs, cats or ferrets)	\$125.00
Animal dealer (selling dogs, cats or ferrets)	\$300.00
Circus	\$125.00

Circus with elephant rides	\$200.00
Theatrical exhibition	\$125.00
Riding or boarding stable	\$125.00
Animal drawn vehicle (one license per company)	\$125.00
Wildlife permit	\$125.00
Swine permit	\$10.00
Animal welfare groups and humane organizations	\$10.00
Miscellaneous	Fee
Late fee when license is more than 30 days overdue	\$15.00 plus 15% of the license fee per month overdue
Small trap deposit	\$50.00
Large trap deposit	\$200.00
Trailer and corral charge	\$50.00 per trailer or corral used
Postage and handling for mail-in applications	\$0.50
Bark collar deposit	\$75.00
Bark collar usage	\$15.00
Microchip	\$25.00
Redemptions and Boarding	Fee*
Licensed altered <u>altered</u> domestic pets	\$15.00 plus \$10.00 per day
Unlicensed altered domestic pets	\$30.00 plus \$10.00 per day
Licensed unaltered domestic pets	\$40.00 plus \$12.00 per day
Unlicensed unaltered domestic pets	\$60.00 plus \$15.00 per day
Quarantine altered domestic pets	\$40.00 plus \$12 <u>5</u> .00 per day
Quarantine unaltered domestic pets	\$60.00 plus \$15.00 per day
Quarantine dangerous or potentially dangerous dog	\$100.00 plus \$25.00 per day
Impoundment	\$25.00
Livestock-large animals	\$50.00 plus \$15.00 per day
Livestock-small animals	\$10.00 plus \$5.00 per day
* Incurred surgical, medical, diagnosis and veterinary treatment expenses must be added to redemption and boarding fees as determined by Metro Animal Services	
Surgical, Medical and Veterinary Treatment	

Vaccination (may be a voucher) (DHPP, FVRCP) (Rabies) (Bordetella) Parasitic examination and/or treatment (may be a voucher) Other medical and surgical treatment and/or diagnosis	\$20.00 each \$8.00 \$10.00 \$15.00 Variable
<i>Violation Notice</i>	Fee for Each Violation
First violation notice	\$30.00
Second violation notice	\$60.00
Third violation notice	\$120.00
Fourth and subsequent violation notice	\$250.00
<i>Adoptions</i>	As determined by Metro Animal Services
Spay/neuter voucher	\$100.00 minimum
Spay/neuter rebate certificate	\$35.00

SECTION II. This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____
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